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THE

LAWS OF WISCONSIN

JOINT RESOLUTIONS AND MEMORIALS

PASSED AT THE BIENNIAL SESSION OF THE
LEGISLATURE, 1899

WITH

Post-Office Address of the Circuit Judges and Times and Places for Holding Circuit Courts

AND

Tables Showing the Sections of the Wisconsin Statutes of 1898 and Laws of Previous Sessions Amended by the Laws of 1899

Published by Authority

MADISON, WIS.
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LAWS OF WISCONSIN, 1899.

No. 9, S.] [Published Feb. 16, 1899.

CHAPTER 1.

AN ACT to amend section 1 of chapter 99 of the laws of 1891, entitled "An act conferring civil, criminal and appellate jurisdiction upon the county court of Waukesha county, Wisconsin," as amended by chapter 45 of the laws of 1897, and also to amend section 9 of said act of 1891.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1, of chapter 99 of the laws of 1891, as amended by chapter 45, of the laws of 1897, is hereby amended by striking out from the fourteenth and fifteenth lines thereof the following words, "except as to actions and proceedings under chapter 151, revised statutes" and by inserting in lieu thereof the following: "And including the power of review of records on certiorari, discharging mortgages of record, and the exercise of any other special powers," so that said section when amended will read as follows: Section 1. "The county court of the county of Waukesha, in addition to the powers and jurisdiction conferred by law upon the county courts, shall have exclusive appellate jurisdiction, in all cases of appeal from justices' courts in civil actions, and in all cases commenced in justices' courts therein where an

§1 C 1 '99
§1 C 103 '03

1899 Ch. 1
See 1903 c 103

Exclusive appellate jurisdiction in civil actions.

answer shall be put in showing that the title of lands will come in question, all of which cases shall be certified, and all official returns shall be made to said county court in the manner prescribed by law; and such court shall exercise power and jurisdiction, in all civil actions and proceedings in law and equity, including the power of review of records on certiorari, discharging mortgages of record, and the exercise of any other special powers, concurrent with and equal to the jurisdiction of the circuit court of said county, when the value or amount in controversy, or the amount of money claimed or sought to be recovered, after deducting all payments and set-offs, shall not exceed twenty-five thousand dollars; but said court shall have jurisdiction of all actions in said county for the foreclosure of mortgages, in which the amount claimed does not exceed the sum above specified, although the property to be affected by the judgment exceeds the amount in value; and of all actions for divorce, or for affirmance or annulment of marriage contracts. Said county court shall have jurisdiction of all actions prosecuted therein, until it shall appear affirmatively in the progress of the action, that the amount claimed by the plaintiff after the deduction aforesaid, exceeds the amount to which jurisdiction of said court is limited, in which case the action shall be dismissed."

Discharging of mortgages where amount does not exceed $25,000.

Change of venue from circuit court in certain cases.

SECTION 2. Section 9 of said chapter 99, of the laws of 1891, is hereby amended by adding thereto the following: "Whenever for any reason a change of the place of trial shall be granted in any civil action or proceeding pending in the circuit court for the county of Waukesha, the place of trial may, in the discretion of said circuit court be changed to the county court of said county, unless such action or proceeding be one of which such county court has no jurisdiction," so that said section when amended shall read as follows: Section 9. "When the place of trial for any criminal offense, civil action or proceeding, shall be changed on account of the prejudice

or disqualification of the judge of said county court, or for any other lawful cause, it shall be changed to the circuit court of Waukesha county, Wisconsin. When an order is made so changing the place of trial of any such action or proceedings to said circuit court, such order in itself shall be a change and transfer thereof, and of all the papers, records and files thereof and therein, to said circuit court, without any certificate or further act whatever.

Discretionary powers of circuit court.

Whenever for any reason a change of the place of trial shall be granted in any civil action or proceeding pending in the circuit court for the county of Waukesha, the place of trial may, in the discretion of said circuit court, be changed to the county court of said county, unless such action or proceeding be one of which such county court has no jurisdiction.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved Feb. 15, 1899.

No. 11, S.] [Published Feb. 17, 1899.

CHAPTER 2.

AN ACT to regulate the election of circuit judges in certain cases.

Ch. 2
See 1903 c 2

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

When election of two or more judges occurs in same circuit.

SECTION 1. Whenever an election for two or more judges of the circuit court shall occur on the same day in any judicial circuit wherein two or more judges of said court are authorized by law, such election shall not be special as to either of said judges, but shall be notified, held and

conducted, and the results canvassed and returned for such judgeships jointly in the same manner as at general elections. The notice of such election shall plainly state the number of judges to be voted for. One ballot box shall be used, and the official ballot shall contain the names of all candidates for such judgeships and state the number of judges to be voted for designating such candidacy as "For Circuit Judge." The names of nominee of political parties shall be arranged upon the official ballot in separate columns, and properly designated; the names of all other candidates shall be placed in other colums each such name in a separate column, all of which last mentioned column shall be arranged in the alphabetical order of the surnames of such candidates and properly designated. Each elector may vote for the number of judges to be chosen and the candidates receiving the highest number of votes at such election shall be elected, that is to say, if two candidates are voted for the two receiving the highest number of votes shall be elected, if three candidates are voted for the three receiving the highest number of votes shall be elected and the same method shall prevail if there be a greater number.

Arrangement of names on official ballot.

To appoint phonographic reporter.

SECTION 2. Whenever there are in one judicial circuit two or more circuit judges, each of said circuit judges shall appoint a phonographic reporter for said court, and each of said reporters shall be compensated the same as is now provided by law for phonographic reporters in such judicial circuit.

Each judge to be a circuit court.

SECTION 3. When holding court and in term time each of said judges shall be held and considered a circuit court within the meaning of any existing laws or statutes referring to circuit courts.

SECTION 4. Section 5 of chapter 377 of the laws of 1897 is hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved Feb. 17, 1899.

No. 2, S.] [Published Feb. 28, 1899.

CHAPTER 3.

AN ACT to amend sections 85 and 701 of the revised statutes of 1898.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 85 of the revised statutes of 1898, is hereby amended so as to read as follows: Section 85. The county clerk shall immediately make out, in pursuance of the determination of such board, a certificate of election for each person having the greatest number of votes for any county office, or for member of the senate or assembly when the county constitutes one or more senate or assembly districts, and deliver the same personally to such person, which notice shall also state the amount of the official bond, if any, required to be given by such person. Such personal service of such notice shall be deemed for all statutory and legal purposes official notification to such person of his election to such office.

County clerk to issue certificate of election.

SECTION 2. Section 701 of the revised statutes of 1898, is hereby amended so as to read as follows: Section 701. Every county officer named in this chapter shall, before entering upon the duties of his office and within twenty days after receiving official notice of his election or appointment, or if not officially notified, within twenty days after the commencement of the term for which he was elected or appointed, execute and deposit his official bond, if any be required, as prescribed by law; and every such officer shall also within the same time take and subscribe the oath of office prescribed by the constitution, and deposit the same with his official bond to be filed and preserved therewith, except that the county superintendent of schools shall

County officers to file bonds within twenty days.

file his oath of office with the county clerk; provided, however, that no failure on the part of any such officer to make and file his official bond, or take the oath of office prior to the commencement of his term of office, shall cause a vacancy in such office, if such failure was not intentional but was the result of mistake, accident or excusable neglect. Every deputy appointed by any such officer shall, before entering upon his duties under such appointment take and subscribe the like oath of office and deposit the same with the same officer with whom his principal's is deposited. In case he shall neglect so to do every such appointee shall forfeit one hundred dollars.

Deputies to file oaths.

SECTION 3. This act shall be in force from and after its passage and publication.

Approved Feb. 28, 1899.

No. 29, S.] [Published March 2, 1899.

CHAPTER 4.

AN ACT to provide for a shorthand reporter for the county court of Rock county in certain cases therein mentioned.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appointment of, how made.

SECTION 1. The judge of the county court of Rock county is hereby authorized to appoint a shorthand reporter whose duty it shall be to attend upon said court when required so to do by the judge thereof, for the purpose of taking testimony of witnesses sworn in any contested matter heard in said court.

Compensation.

SECTION 2. The shorthand reporter so appointed shall receive as compensation for his services six dollars per day for each day's actual

attendance, and three dollars for each half day's actual attendance, which sum shall be paid by the county treasurer upon the certificate of the county judge.

Fees for making transcript of testimony.

SECTION 3. Said reporter shall make and file in said court when requested by the judge thereof, a fair transcript of testimony so reported, which shall be paid for by the county treasurer at the rate of five cents per folio in the same manner as said reporter's per diem is paid and should any party require a copy of such record or any part thereof said reporter shall make the same at the above rate which shall be paid for by the party requiring the same.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 1, 1899.

No. 38, A.] [Published March 3, 1899.

CHAPTER 5.

Ch. 5
115 102 103
104

AN ACT to amend section 3845 of the statutes of 1898, relating to actions against executors, administrators, etc.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Actions against executors.

SECTION 1. Section 3845 of the statutes of 1898 is hereby amended by inserting after the word "property" in the fourth line of said section, the words "or to quiet title or remove a cloud on title, to construe wills, enforce the liability of stockholders, to avoid fraudulent conveyances, to affect or pass the title to real property, and other actions in which the county court cannot afford a remedy as adequate and com-

plete as the circuit court," so that said section when so amended shall read as follows: Section 3845. No action shall be commenced against an executor or administrator, excepting actions for the recovery of specific real or personal property, or actions to establish, enforce, or foreclose a lien or right of lien, on real or personal property, or to quiet title or remove a cloud on title, to construe wills, enforce the liability of stockholders, to avoid fraudulent conveyances, to affect or pass the title to real property and other actions in which the county court cannot afford a remedy as adequate, complete, prompt or efficient as the circuit court. Nor shall any attachment or execution be issued against the estate of the deceased or the executor or administrator thereof, until the expiration of the time limited for the payment of debts, except as provided in sections 2751 and 2978. Nothing in this section shall prevent any person having a lawful claim against a deceased person from bringing an action therefor against the executor, administrator, heir, devisee, or legatee of such deceased person, when no time has been fixed in which creditors may present their claims against the deceased for allowance, or when no notice of such limitations has been ordered or given.

Where county court cannot afford remedy as complete as circuit court.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved March 3, 1899.

No. 32, A.] [Published March 3, 1899.

CHAPTER 6.

AN ACT to provide for the conveyance of lands pursuant to contract held by deceased persons.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Whenever any person holding a contract for the conveyance of land, as purchaser thereof, shall die before the execution of a deed of such lands to him, and such deceased person shall have been entitled to receive such deed prior to his death, or full payment therefor shall be made by his widow or any heir of such deceased, it shall be lawful for the vendor of said land to execute a deed naming such deceased person as grantee therein, and to deliver said conveyance to the widow, or any heir of said deceased, and the execution and delivery thereof shall pass the title to the heirs or devisees, subject to the rights of the widow, if any, in the same manner and with the same interest or estate which they would have received, had the deed been made prior to the death of the deceased and subject to all claims, liens or equities, which might exist had the title passed by descent or devise.

Vendor shall execute deed to widow, or any heir.

SECTION 2. This act shall take effect, and be in force, from and after its passage and publication.

Approved March 3, 1899.

No. 50, A.] [Published March 3, 1899.

CHAPTER 7.

Ch. 7
See 1903, c 10
§ 4

AN ACT to make the method of filling vacancies in the office of county judge uniform with the method of filling vacancies in the office of justice of the supreme court and of circuit judge.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

§1 C 7 '99
See
§4 C 10 '03

Ch. 7 § 1
See 05 c 91

Ch. 7 § 1
See 05 c 301

Date of election to fill vacancy.

SECTION 1. Section 94s of the Wisconsin statutes of 1898 is hereby amended by inserting the words "or county judge" at the end of the ninth word of the second line of said section, so that the same will read when so amended as follows: Section 94s. In all cases of vacancy in the office of justice of the supreme court or circuit judge, or county judge, the election to fill such vacancy shall be held on the first Tuesday of April next after the vacancy shall happen, in case such vacancy shall happen twenty days before such day; and if no election shall then be held for such purpose, or if the vacancy shall happen within twenty days next before said first Tuesday, then the election shall be held on the first Tuesday of April next thereafter.

Election of county judges made uniform.

SECTION 2. Section 2441 of Wisconsin statutes of 1898 is hereby amended by striking out, beginning with the twelfth word of the eighth line of said section, the words, "for the residue or for the whole of the term," and inserting in lieu thereof the words "until the first Monday of June next succeeding such appointment unless such vacancy shall happen within twenty days next before the first Tuesday of April, in which case such appointment shall hold until the first Monday of June next thereafter," so that said section when so amended will read as follows: Section 2441. There shall be a general election

for county judge in each county in this state on the first Tuesday in April 1901, and every fourth year after the election of such judge. The term of office of the county judges shall be four years, and shall commence on the first Monday of January next after such general election. When a vacancy shall occur in the office of county judge from any cause or there shall be no person qualified to take the office at the commencement of the term, the governor shall appoint a county judge and the person so appointed, shall hold until the first Monday of June next succeeding such appointment unless such vacancy shall happen within twenty days next before the first Tuesday of April, in which case such appointment shall hold until the first Monday of June next thereafter; and where any county judge shall be elected in a newly organized county, the judge so first elected shall hold his office until the first Monday of January next, after the first general election for county judges. Every county judge may be removed from office by address in the manner provided in the constitution for the removal of justices of the supreme, or judges of the circuit court.

When appointed, and for how long.

SECTION 3. This act shall take effect and be in force, from and after its passage and publication.

Approved March 3, 1899.

No. 46, A.] [Published March 3, 1899.

CHAPTER 8.

AN ACT to amend chapter 129 of the laws of Wisconsin for the year 1897, entitled, "An act to confer and impose criminal jurisdiction upon the county court of La Crosse county."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 2, of chapter 129, of the laws of Wisconsin, for the year 1897 is hereby amended by inserting after the word court in the thirty-first line of said section as published, the words "and except further that all justices of the peace of said county, except justices in incorporated cities and villages, may issue warrants of arrest returnable to said county court in all criminal cases and cases of misdemeanors, except in prosecutions for vagrancy" so that said section when amended shall read as follows:

Jurisdiction of court defined, exclusive jurisdiction in certain cases.

Section 2. The county court of the county of La Crosse shall have and exercise all the jurisdiction, authority, powers and rights given by law to justices of the peace in criminal actions. Said court shall have exclusive jurisdiction to try all cases of misdemeanor, and all prosecutions under the police regulations of the state (bastardy excepted) arising within said county, and shall have power to sentence and commit all persons convicted of any such offenses. Said court shall have authority and jurisdiction throughout said county to issue warrants for the apprehension of persons charged with the commission of any felony or bastardy within said county, and to examine such alleged offenders and commit or hold them to bail the same as a justice of the peace might otherwise do. On the plea of guilty by one accused of crime, the said court shall have jurisdiction and power to

sentence the accused for any offense for which the highest penalty provided by law does not exceed five years' imprisonment in the state prison. On and after the first Monday in May, A. D. 1897, no justice of the peace, police justice or court commissioner within said county shall have or exercise any jurisdiction in criminal cases, or prosecutions under the police regulations of the state, except that in cases of felony and bastardy, such justices and court commissioners may issue warrants of arrest returnable to said county court; and except further that all justices of the peace of said county, except justices in incorporated cities and villages, may issue warrants of arrest returnable to said county court in all criminal cases and cases of misdemeanor, except in prosecutions for vagrancy; and when so doing they shall cause the complaint in any such case to be forthwith filed in said county court. Nothing in this section, or in this act, shall be construed as conferring upon said county court jurisdiction in cases arising under any city or village ordinance, or as interfering with the jurisdiction of justices in cases arising under such ordinances.

Power to sentence on plea of guilty.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 3, 1899.

No. 47, A.] [Published March 3, 1899.

CHAPTER 9.

AN ACT relating to registers in probate and amendatory of chapter 40, laws of 1883.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter 40, of the laws of 1883, is hereby amended so as to read as follows: Section 1. The county judge of the county of La Crosse, shall appoint, from time to time, subject to removal, a competent person to record the proceedings of the county court of La Crosse county, and the person so appointed shall be officially styled and known as "register in probate." Such register in probate, shall, before entering upon the duties of the office, take and subscribe the constitutional oath of office and file the same, duly certified, in the office of the clerk of the circuit court for the county of La Crosse.

Register in probate to be appointed in La Crosse county.

SECTION 2. It shall be the duty of such register to perform such duties as he is directed to by said county judge, and whenever said county judge shall be absent from the county seat or is otherwise disabled, and any application shall be made to the county court requiring notice of hearing to be given by the court, such register in probate may cause such notice to be given and order directing such notice shall be signed as follows:

Duty of register.

"By the court

_____ _____,

Register in Probate."

And the notice given accordingly when so signed by the register in probate shall have the same force and effect as if signed by the county judge. Such register shall have authority to administer any oath or affidavit required or authorized by law in proceedings in the county

court and may certify to copies of records and files in said court and may file all papers or any instrument required or permitted to be filed in said county court.

SECTION 3. The appointment of such register in probate may at any time in the discretion of the said county judge be revoked and annulled by said county judge, and whenever, for or from any cause a vacancy shall exist in said office of register in probate, such vacancy may be filled by appointment by said county judge. Appointment to be made or revoked by county judge.

SECTION 4. Such register in probate shall receive the annual salary of nine hundred dollars which shall be paid by the county of La Crosse, and the county treasurer of the county of La Crosse, shall pay the same monthly, and the same shall be in full compensation for the performance of the duties of the office of such register in probate. Salary of register.

SECTION 5. This act shall take effect, and be in force, from and after its passage and publication.

Approved March 3, 1899.

No. 20, S.] [Published March 9, 1899.

CHAPTER 10.

AN ACT to change the time of holding the circuit court in Pierce county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The general terms of the circuit court for the county of Pierce shall be held on the second Monday of May, and the third Monday of November, in each year. When terms commence.

SECTION 2. All provisions of law in conflict with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1899.

No. 119, A.] [Published March 10, 1899.

CHAPTER 11.

AN ACT to appropriate a sum of money therein named to the Wisconsin State Firemen's Association.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

$1,000 appropriated.

SECTION 1. There is hereby appropriated to the Wisconsin State Firemen's Association the sum of one thousand dollars out of any moneys in the state treasury not otherwise appropriated. This appropriation is for the years 1899 and 1900, and said sum so appropriated shall be paid to said association in two equal payments to be made on or before the first day of June in each of said years.

When payable.

SECTION 2. This act shall take effect and be in full force, from and after its passage and publication.

Approved March 9, 1899.

No. 53, A.] [Published March 10, 1899.

CHAPTER 12.

AN ACT appropriating a sum of money to Otto Neitge and Julius Neitge.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Moneys deposited with treasurer in 1874 appropriated to heirs of depositor.

SECTION 1. The state treasurer of Wisconsin is hereby authorized and directed to refund to Otto Neitge and Julius Neitge, as sole surviving heirs of George Otto Neitge, deceased, the sum of four hundred eight and two-hundredths dollars, same being that certain sum of money deposited by said George Otto Neitge with the state treasurer in 1874 to secure certain St. Croix and Lake Superior railroad lands and since that date carried on the treasurer's books to the credit of the said St. Croix and Lake Superior railroad deposit fund.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved March 9, 1899.

No. 60, A.] [Published March 10, 1899.

CHAPTER 13.

AN ACT to amend chapter 129 of the laws of Wisconsin for the year 1897, entitled "An act to confer and impose criminal jurisdiction upon the county court of La Crosse county."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Criminal or bastardy actions, when removable.

SECTION 1. Section 4 of chapter 129 of the laws of Wisconsin for the year 1897, is hereby amended so as to read as follows: Section 4. No criminal or bastardy action or proceedings or prosecution under the police regulation of the state, shall be removable from said county court for trial or examination; but when it shall appear, by the affidavit of the accused or of his attorney, that the judge thereof is disqualified, by reason of prejudice or other cause, to hear or try any such action or proceeding, he shall, and if by reason of absence, sickness or temporary disability he is unable to perform his duties, he may, by order in writing to be filed in said court, call in any justice of the peace of said county to act in his stead; and in case of the inability of the county judge to make such order, the same may be made by the circuit judge of La Crosse county; and such justice of the peace, when so called in, shall have and possess all the powers and authority conferred, and shall perform all the duties imposed upon said county judge by this act. Such justice of the peace shall receive from the county treasurer the sum of five dollars for each day and three dollars for each half day during which he shall so serve.

County judge may call in justice of peace, when.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 9, 1899.

No. 61, A.] [Published March 10, 1899.

CHAPTER 14.

AN ACT to protect purchasers of county, town, city, village and school orders.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Orders to be filed with the court where action is brought.

SECTION 1. No judgment shall hereafter be rendered in any action brought upon any county, town, city, village or school order or orders, unless the order or orders upon which said action is based shall first be produced in evidence and filed with the court in which said action is pending or with the clerk thereof, and such clerk shall note thereon, and upon each of such orders, the date of such filing.

To be made part of judgment roll.

SECTION 2. Any order or orders so introduced in evidence and filed, shall be attached to and become a part of the judgment roll in such action and the same shall not thereafter be detached from such judgment roll or removed from the files in such action without an order of the court or presiding judge, authorizing such withdrawal.

SECTION 3. Any judgment rendered or entered in violation of this act shall be absolutely void.

SECTION 4. This act shall take effect and be in force, from and after its passage and publication.

Approved March 9, 1899.

No. 65, A.] [Published March 16, 1899.

CHAPTER 15.

AN ACT authorizing and directing the overhauling of the public closets in the capitol building, and the renewing of the plumbing therein, and making an appropriation therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Superintendent of public property to conduct improvements.

SECTION 1. The superintendent of public property is hereby authorized and directed, by and with the advice of the governor, to overhaul the public closets in the capitol building and renew the plumbing therein.

SECTION 2. There is hereby appropriated out of any money in the general fund, not otherwise appropriated, a sufficient amount of money to carry out the purposes of this act, not exceeding the sum of two thousand dollars.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1899.

No. 62, A.] [Published March 16, 1899.

CHAPTER 16.

AN ACT to appropriate to the governor's contingent fund a sum of money named therein.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated to the governor's contingent fund, out of any moneys in the state treasury not otherwise appropriated, the sum of two thousand dollars per annum for the years 1899 and 1900.

$4,000 to governor's contingent fund for years 1899, 1900.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1899.

No. 246, A.] [Published March 16, 1899.

CHAPTER 17.

AN ACT to appropriate ten thousand dollars to the Wisconsin battleship commission to purchase a silver service and bronze badger for the battleship Wisconsin and to return to the treasury the unexpended balance of the appropriation made to said battleship commission in 1897.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated to the Wisconsin battleship commission for the purpose of purchasing a silver service and

Appropriation for silver service and bronze badger.

bronze badger for the battleship Wisconsin, the sum of ten thousand dollars.

Return of unexpended balance.

SECTION 2. The unexpended balance of the appropriation made to said battleship commission by the legislature of 1897 is hereby returned to the fund from which it was appropriated.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1899.

No. 296, A.] [Published March 17, 1899.

CHAPTER 18.

AN ACT appropriating to Julius M. Derthick a sum of money.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriating $26.24 to Julius M. Derthick.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, to Julius M. Derthick the sum of twenty-six and twenty-four one-hundredths dollars, the same being in payment for services from the date of his enlistment, April 28, 1898, to May 14, 1898, in company "F," 1st. regiment Wisconsin Volunteers, and for which services he has never received any compensation.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved March 16, 1899.

No. 40, S.] [Published March 20, 1899.

CHAPTER 19.

AN ACT to divide the town of Marshland in Burnett county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The territory of the town of Marshland, Burnett county, shall be divided into the following towns, to-wit: The town of Marshland shall consist of sections one, two and three of township thirty-eight of range eighteen west, and township thirty-nine of ranges seventeen and eighteen west, and fractional township thirty-nine of range nineteen west, and fractional township forty of ranges seventeen, eighteen and nineteen west, and fractional township forty-one of range seventeen west. The first meeting of said town of Marshland shall be held at the Freya schoolhouse in school district number two, on the first Tuesday in April, 1899. The town of Meenon shall consist of the west half of township thirty-nine of range fifteen west and township thirty-nine of range sixteen west, and township forty of ranges fourteen, fifteen and sixteen west, and township forty-one of ranges fourteen and fifteen west, and fractional township forty-one of range sixteen west, and township forty-two of ranges fourteen and fifteen west, and fractional township forty-two of range sixteen west. The first meeting of the town of Meenon shall be held at the Orange school house in district number seven the first Tuesday of April, 1899.

Boundary of town of Marshland and first meeting of.

Boundary of town of Meenon and first meeting of.

SECTION 2. On the fifteenth day of April, 1899, the town boards of the town of Marshland and of the town of Meenon, as by this act constituted, shall meet together and determine what

Joint meeting of two towns to adjust indebtedness.

portion of indebtedness legally incurred by the the old town of Marshland shall be chargeable to the town of Marshland and the town of Meenon as by this act constituted, and shall also determine what portion of the credits of the old town of Marshland each of the towns as by this act constituted shall be entitled to. Said town boards shall apportion the indebtedness aforesaid in such manner that the town of Marshland as by this act constituted shall be chargeable with one-third thereof, and the town of Meenon with two-thirds thereof, and the town of Marshland as by this act constituted shall be entitled to one-third of the credits aforesaid, and the town of Meenon shall be entitled to two-thirds of said credits. The said town board shall set off against each other such indebtedness and such credit, and determine which town is indebted to the other and the amount of such indebtedness. The town board of the town so found indebted shall levy a tax upon all the taxable property of such town sufficient to pay such amount.

Powers of county board not abridged.

SECTION 3. Nothing in this act shall be so construed as to abridge any of the powers of the county board of Burnett county to set off, organize, vacate or change the boundaries of said towns at any time hereafter, in accordance with the powers conferred by law upon county boards.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1899.

No. 47, S.] [Published March 21, 1899.

CHAPTER 20.

AN ACT relating to sidewalks and amendatory of sub-chapter 19 of chapter 40a of the revised statutes of 1898.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Sidewalks repairs to be maintained by city if common council so ordains.

SECTION 1. Sub-chapter 19 of chapter 40a of the revised statutes of 1898 is hereby amended by adding thereto section 925–205a, which shall read as follows: Section 925–205a. Whenever the council shall by resolution or ordinance so determine, the sidewalks of the city shall be maintained and kept in repair by and at the expense of said city, after such sidewalks shall have been first laid by the lot owner and accepted and approved by said city.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1899.

No. 109, S.] [Published March 21, 1899.

CHAPTER 21.

AN ACT to confer upon the justice or judge of the police court in any city of the first class having a police court, which is a court of record, the same powers in such city as are conferred by chapter 32 of the revised statutes upon county judges in their respective counties, as to the examination of persons alleged to be insane and the commitment of persons adjudged to be insane to the hospital or asylum.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Judges of police courts may conduct examinations of alleged insane persons.

SECTION 1. There is hereby conferred upon the justice or judge of the police court in any city of the first class having a police court which is a court of record, the same powers in respect to the examination of persons in such city alleged to be insane, and the commitment of persons adjudged to be insane to the hospital or asylum, as is conferred by chapter 32 of the revised statutes upon the county judges in their respective counties. Such cases before said police judge or justice shall be conducted in accordance with the procedure prescribed by law in similar cases before county judges.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1899.

No. 76, S.] [Published March 21, 1899.

CHAPTER 22.

AN ACT to change and regulate the time of holding terms of court in the superior court of Milwaukee county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The terms of the superior court of Milwaukee county, Wisconsin, shall be three in number for each year the commencement of said terms to be as follows, to-wit: on the first Monday of January; on the first Monday of April, and on the second Monday of September in each year.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1899.

No. 242, S.] [Published March 21, 1899.

CHAPTER 23.

AN ACT to amend section 5 of chapter 125 of the laws of 1887 as amended by section 5 of chapter 67 of the laws of 1891, relating to the superior court of Milwaukee county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 5 of chapter 125 of the laws of 1887 as amended by section 5 of chapter

67 of the laws of 1891 is hereby amended by striking out of said section 5 the words following, to-wit: "Said clerk shall appoint a deputy clerk in addition to those now authorized by law, who shall receive a salary of one thousand dollars per annum to be paid quarterly out of the treasury of said county" and insert in lieu thereof the following: "Said clerk shall appoint two deputy clerks in addition to those now authorized by law who shall receive a salary of one thousand dollars per annum each, and two entry clerks who shall receive a salary of eight hundred dollars per annum each, and one custodian who shall receive a salary of one thousand dollars per annum, and one stenographer who shall receive a salary of five hundred dollars per annum, each of said salaries to be paid quarterly out of the treasury of said county. So that said section when amended shall read as follows: Section 5. The clerk of the circuit court of Milwaukee county shall be ex-officio clerk of said superior court, and shall under the direction of the judge of said court provide a seal therefor. Said clerk shall appoint two deputy clerks in addition to those now authorized by law, who shall receive a salary of one thousand dollars per annum each, and two entry clerks who shall receive a salary of eight hundred dollars per annum each, and one custodian who shall receive a salary of one thousand dollars per annum and one stenographer who shall receive a salary of five hundred dollars per annum; each of said salaries to be paid quarterly out of the treasury of said county.

Clerk of superior court to appoint additional clerks.

Salary of deputies and extra clerks.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1899.

No. 69, S.] [Published March 21, 1899.

CHAPTER 24.

AN ACT to provide a contingent fund for the prevention of Asiatic cholera and other dangerous contagious diseases and providing for an appropriation.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation of $50,000 for contingent fund, for state board of health.

SECTION 1. There is hereby appropriated to the state board of health out of any moneys in the state treasury not otherwise appropriated, a sum not exceeding fifty thousand dollars for the two years ending February 1st, 1901, which shall be for a fund which, by and with the advice and consent of the governor, may be drawn upon by the said board and used by it in such manner as may seem to be necessary to prevent the introduction or spread of Asiatic cholera, or other dangerous contagious diseases in the state.

Expenses of members of board.

SECTION 2. Any member of the state board of health except the secretary, who is engaged in work for the prevention or control of Asiatic cholera outside of the city in which such member resides shall be allowed and paid for the time in which he is actually so engaged, such sum as the governor may approve, not exceeding fifteen dollars a day in addition to traveling and other necessary expenses.

SECTION 3. Any part of the money appropriated by this act which shall not have been expended before the first day of February, 1901 shall then revert to the general treasury of the state.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1899.

No. 214, A.] [Published March 21, 1899.

CHAPTER 25.

Ch. 25
See 05 c 196.

AN ACT to amend section 1941-7 of the Wisconsin statutes of 1898, relating to city and village mutual fire insurance companies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Policy holders deemed members, and may be assessed as circumstances may require.

SECTION 1. Section 1941-7 of the Wisconsin statutes is hereby amended by striking out the words "initiation fees and dues" where they appear in line four, and inserting therefor the words "premiums and fees" so that said section when amended shall read as follows: Section 1941-7. Every person to whom any such policy is issued shall be deemed a member of such corporation while such policy is in force, and it shall be lawful for such corporation to require the payment of such premiums and fees, make assessments upon its members and enforce the collection thereof as circumstances may require and as may be specified in its constitution or by-laws or fixed by resolution; and the members thereof shall be subject to such other duties as may be prescribed by the by-laws.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved March 17, 1899.

No. 156, A.] [Published March 21, 1899.

CHAPTER 26.

AN ACT authorizing the town of Cassville, in Grant county to convey a certain cemetery in said town to the Cassville cemetery association.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authorizing town board of supervisors to convey cemetery of ten acres to Cassville cemetery association.

SECTION 1. The town board of supervisors of Cassville in Grant county Wisconsin is hereby authorized and empowered to grant and convey unto the Cassville cemetery association, an association duly organized under chapter 59 of the revised statutes, a certain cemetery in said town heretofore conveyed to it by one John Geiger and Josephine his wife on January 15th 1866, and being in the southwest quarter, of the northeast quarter, of the southwest quarter, of section sixteen, in town three north, of range five west, in Grant county Wisconsin containing ten acres more or less, by a deed recorded in the office of the register of deeds of said county in book 56 of deeds on page 14, for the use of the inhabitants of said town as a cemetery before the incorporation of the village of Cassville therein as a village, saving and reserving to the inhabitants of said town and village, all their beneficial interests and rights in said cemetery; said association thereafter to keep said cemetery in repair, and suitably protect, improve, manage and control the same for the use of the inhabitants of said town and village as a cemetery, as by the statutes in such case made and provided.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved March 17, 1899.

No. 107, A.] [Published March 21, 1899.

CHAPTER 27.

AN ACT amending section 1941-27 of the Wisconsin statutes of 1898, relating to annual meeting of church insurance corporations.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Date of annual meeting changed.

SECTION 1. Section 1941-27 of the revised statutes of 1898 is hereby amended by striking out the words "Tuesday succeeding the first Monday" where they occur in said section and substituting therefor the following words: "Wednesday succeeding the second Monday," so that the said section when so amended shall read as follows: Section 1941-27. The annual meeting of every such corporation shall be held on the first Wednesday succeeding the second Monday in January at the office of the secretary for the purpose of electing officers, at which meeting the secretary and treasurer shall each make a report setting forth the condition of the corporation, the number of policies in force, the number of new and the number of canceled policies, and the total amount of risks written during the year, the amount of losses paid, the number of assessments levied, and the financial condition of the corporation and what changes there have been made in the reserve fund, if there be one.

Reports of officers.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved March 17, 1899.

No. 81, A.] [Published March 22, 1899.

CHAPTER 28.

AN ACT to amend chapter 201a of the revised statutes of 1898, entitled "Of the State Reformatory."

Ch. 28
112 523 524
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The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter 201a of the revised statutes of 1898, entitled "Of the State Reformatory" is hereby amended to read as follows:

To remove criminal and evil tendencies.

NAME AND OBJECTS: Section 4944a. The Wisconsin State Reformatory is hereby continued. The purposes for which it was created, and the objects to which the rules and regulations for its government, its discipline, and the exercise of all its functions should be directed, are to correct and remove those criminal or evil tendencies and influences which render the inmates confined therein a menace to society, to the end that such inmates may become good, industrious and useful citizens.

Board of control given jurisdiction over reformatory, with power to appoint governing officials.

ORGANIZATION: Section 4944b. The jurisdiction of the state board of control over the reformatory is established, and the powers of the board are defined by law. The board shall appoint a superintendent, assistant superintendent and steward, and fix their respective terms of office, and may appoint or authorize the superintendent to appoint such other officers, and such employes as it may deem necessary, and shall fix their compensation, prescribe their duties and provide for their removal or suspension. It may also maintain therein a manual training school, may cause the inmates to be instructed in trades, and may carry on in the institution any industry not prohibited by law, employing for that purpose the labor of the inmates confined therein.

Three classes of criminals admitted to reformatory.

WHO MAY BE COMMITTED: Section 4944c. Male persons who belong to one of the following classes may be committed to the reformatory: First:—Persons convicted the first time of a felony, that is, of an offense which may be punished by imprisonment in the state prison, and who when so convicted were not over thirty years of age, and not under sixteen years of age when committed to the reformatory; and were not convicted of murder in the first or second degree. Second. Persons of like age convicted for the first time of any misdemeanor which may be punished by imprisonment in the county jail for one year or more; and third:—Inmates of the Wisconsin industrial school for boys not under sixteen years of age when committed to the reformatory, to be selected as hereinafter provided.

Trial court given discretionary power to sentence.

SENTENCES: Section 4944d. Any person belonging either to class one or class two aforesaid, may in the discretion of the trial court, be sentenced directly to the reformatory and may be so sentenced for a certain specific term, not less than six months, within the limits of imprisonment prescribed by law for the offense of which he is convicted, which term shall commence at the time prescribed in section 4733 of these statutes for the commencement of terms of sentences to the state prison. Or the court in its discretion may sentence any such person to the reformatory for a general or indeterminate time not less than the minimum nor more than the maximum term of imprisonment in the state prison or jail prescribed by law for the offense. The general sentence shall be substantially as follows: "You are sentenced to the Wisconsin state reformatory for a general or indeterminate term not less than.....years (such minimum for the offense) and not more than..... (the maximum)..... years." Such sentences shall have the force and effect of a sentence for such maximum term subject to the power of release from actual confinement by parole or absolute discharge hereinafter conferred or by pardon.

Terms and form of sentence.

DUTY OF COURT: Section 4944e. The trial court will make careful inquiry in each case as to the age of the convict, and whether the offense which he has committed is his first offense, and will satisfy itself that he is eligible to be committed thereto before sentencing him to the reformatory.

Court to make enquiry as to age and eligibility of criminals.

TRANSFERS: Section 4944f. With the approval of the governor any inmate of the reformatory belonging to class one whose continued presence there is considered detrimental to the other inmates, may be transferred by the board to the state prison, and his original term of imprisonment shall be continued therein. Convicts in the state prison belonging to class one as aforesaid and in any county jail belonging to class two may, with like executive approval, be transferred from any of those institutions to the reformatory and may be returned to the institution from which they were respectively taken. Inmates of the industrial school for boys who have reached the age of sixteen years may also be transferred to the reformatory, by the board of control and may be retained there until they are twenty-one years of age. Or they may sooner be returned to the school or to the counties from which they were sent to the school. All such transfers shall be made in the manner prescribed by section 561jj of these statutes. In case an inmate of the reformatory becomes insane he may be removed to a state hospital for the insane, and returned to the reformatory when recovered, in the manner prescribed in said section for the removal to such hospital and return of insane convicts.

Executive approval necessary to remove detrimental inmates. State prison convicts may be transferred. Insane inmates to be removed.

RECORDS WITH TRANSFERS: Section 4944g. With each person transferred to the reformatory from any other institution as provided for in the next preceding section, there shall be transmitted by the warden or superintendent of such institution to the superintendent of the reformatory, copies of the original commitment of such person, and of his record of service, conduct

Method of transferring from other institutions.

and history, and if he be returned to the institution from whence he came, the superintendent of the reformatory shall furnish such institution with a like record of service and conduct therein and of the personal history of the convict there obtained.

Commitment papers defined. Clerk of sentencing court to notify superintendent of sentence.

COMMITMENTS: Section 4944h. When any offender shall be sentenced to the reformatory by any court, the commitment papers shall consist of the warrant of commitment, and certified copies of the information, indictment or complaint, the plea of the accused, the verdict, if there be one, and the judgment and sentence; which copies shall be delivered with the order, or warrant of commitment to the officer executing such order or warrant, and when executed by some officer other than the superintendent of the reformatory, the same shall be delivered by the officer executing the same to such superintendent. Whenever any person shall be sentenced to the reformatory, the clerk of the court or the judge or justice pronouncing the same shall forthwith notify the superintendent of the reformatory of such sentence and thereupon such superintendent or some subordinate officer of the reformatory to be designated by him shall, as soon as practicable after such notice is given, remove the person so sentenced to the reformatory. Such clerk, judge or justice shall deliver to such superintendent or to the officer thus designated by him, the order or warrant of commitment and copies of the aforesaid records, and on presentation of such order or warrant to the officer having such person in custody, the latter shall deliver him to the officer thus presenting the same.

Superintendent to notify court if reformatory cannot accommodate person sentenced.

Should the reformatory be filled with inmates when any such notice is received by the superintendent, the latter shall at once inform the court or magistrate giving such notice of that fact and that the person thus sentenced cannot then be received into that institution. Thereupon the person sentenced shall be retained in the proper county jail until he can be so received. If the offense of which he is convicted is a felony the

court, may, in its discretion, commit him to the state prison, temporarily, and shall give notice of such commitment to the superintendent of the reformatory, who shall remove him to the reformatory as soon as he can be received therein. If thus committed to the state prison, copies of the above mentioned records shall be delivered to the warden, and by him forwarded to the superintendent of the reformatory when such removal is made.

Inmates of reformatory given allowances for good conduct accorded by section 4928.

CREDIT FOR GOOD CONDUCT: Section 4944i. Allowances for good conduct in diminution of the term of sentence to convicts in the state prison given by section 4928 of these statutes or by any other statute shall be made to the inmates of the reformatory, and any good time earned in either institution by inmates transferred to the other shall be allowed him in the institution to which he has been transferred.

Board of control may grant parole or revoke same upon recommendation of superintendent.

PAROLES: Section 4944j. On recommendation of the superintendent the state board of control, may grant a parole to any inmate of the reformatory to leave the institution and go at large in case the conduct of such inmate for a reasonable time has inspired the board of control and the superintendent of the reformatory with the belief that he will be honest and industrious; provided, that some suitable employment or situation has been secured in advance for such inmate. On like recommendation the board of control may, at any time before the term of commitment of any paroled inmate expires, revoke his parole, and order his return to the reformatory. Such order may be executed by, or under the direction of the superintendent of the reformatory.

Governor, without procedure, may discharge inmates upon recommendation of superintendent and board of control.

DISCHARGED INMATES: Section 4944k. Upon the recommendation of the superintendent and the board of control, the governor may without the procedure required by chapter 199 of these statutes, discharge absolutely, or upon such conditions and restrictions, and under such limitations as he may think proper, any inmate

of the reformatory belonging to class one or class two aforesaid after he shall have served the minimum term of punishment prescribed by law for the offense for which he was sentenced; and any inmate belonging to class three may be so discharged without regard to his term of service in the reformatory or elsewhere. Such discharge shall have the force and effect of an absolute or conditional pardon, as the case may be.

Provisions of sections 4490 to 4495 inclusive made applicable to reformatory.

PENALTY FOR ESCAPE: CUMULATIVE SENTENCES: Section 4944l. All the provisions of section 4490 to 4495, inclusive, of these statutes are hereby extended to the Wisconsin state reformatory, and those sections shall be construed and applied as though the words "Or the Wisconsin state reformatory" immediately followed the term "state prison" in the specification or description of the offense in each section or the place of punishment therefor. The provisions of sections 4885, 4922 and 4924 are also extended to the reformatory, and the powers therein conferred upon the warden and deputy warden are hereby conferred upon the superintendent and assistant superintendent, respectively, of the reformatory. The time during which any inmate of the reformatory, who has escaped therefrom, is at large, shall not be computed as any portion of the time for which he was sentenced. Any inmate of the reformatory under sentence may be prosecuted before his discharge therefrom for any criminal offense, and if convicted thereof may be sentenced to undergo the punishment prescribed by law for such offense, to commence at the expiration of his term of imprisonment in the reformatory. If he shall be convicted of more than one offense sentences on such convictions shall be cumulative as provided in section 4733 of these statutes.

Sections 4885, 4922 and 4924 extended to reformatory.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved March 18, 1899.

No. 50, S.] [Published March 22, 1899.

CHAPTER 29.

AN ACT relating to the examination of parties before trial in civil actions and amendatory of section 4096 of the statutes of Wisconsin for the year 1898.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Reading and signing of deposition may be waived by stipulation.

§1 C 29 '99
§1 C 244 '01

SESSION LAWS OF 1899.

Ch. 29
1901, c 244

1899, c 29
110 6 51

SECTION 1. Section 4096 of the Wisconsin statutes of 1898 is hereby amended by striking out the words, "such deposition, when completed, need not be read to or by or be subscribed by the party examined," and by inserting in lieu thereof the following: "Whenever a party shall be examined and his deposition taken under the provisions of this section the party taking such examination and the party examined, or their counsel, may stipulate upon the record before the judge or court commissioner before whom the examination is had that the reading of the deposition to or by the deponent and his signature thereto are waived by consent, and that the deposition may be used with the same force and effect as if read over and signed; and in cases where such stipulation is made the said examination or deposition may be used in the action in which the same is taken and in any other action or proceeding in that or in any other court where it could have been used if read over and signed, with the same force and effect in all respects as if the deponent had read and signed the same. In all cases where the reading and signature shall not be waived, as aforesaid, the said deposition shall be read over to or by the deponent and signed by him before the officer before whom the same was taken, and the attendance of the party examined for the purpose of reading and signing said deposition may be com-

pelled in the same manner as his attendance for the purpose of submitting to such examination may now be compelled by law:" so that said section when amended shall read as follows: Section 4096. No action to obtain a discovery under oath, in aid of prosecution or defense of another action, shall be allowed; but the examination of the party or, in case a private corporation be a party, the examination of the president, secretary or other principal officer or general managing agent of such corporation, or of the person who was such president, secretary, officer or agent at the time of the occurrence of the facts made the subject of the examination, otherwise than as a witness on a trial, may be taken by deposition at the instance of the adverse party in any action or proceeding, at any time after the commencement thereof and before judgment. Such deposition shall be taken before a judge at chambers or a court commissioner on a previous notice to such party and any other adverse party or their respective attorneys of at least five days; or it may be taken without the state in the manner provided for taking other depositions. The attendance of the party to be examined may be compelled upon subpoena and the payment or tender of his fees as a witness; such examination shall be subject to the same rules as that of any other witness, but he shall not be compelled to disclose anything not relevant to the controversy. If such examination shall be taken before issue joined the notice of taking the same shall be accompanied by an affidavit of the party, his agent or attorney, stating the general nature and object of the action, that discovery is sought to enable the party to plead and the points upon which such discovery is desired, and such examination shall be limited to the discovery of the facts relevant to such points unless the court or the presiding judge thereof, on motion and one day's notice, shall before the examination is begun, by

Examination of parties before trial. Procedure.

Where deposition may be taken and notice of.

Attendance, how compelled

Scope of examination.

order further limit the subjects to which it shall extend; but such examination shall not preclude the right to another examination after issue joined upon all the issues in the cause, and the party examining shall, in all cases, be allowed to examine upon oral interrogatories. Such examinations shall not be compelled in any other county than that in which the party to be examined resides; provided, that whenever plaintiff or defendant is a non-resident of this state his deposition may be had under the provisions of this section in the county in which the action is pending, if he can be personally served with notice and subpoena in such county. In any examination under these provisions the judge or commissioner before whom the same is had may compel the party examined to answer all questions relevant to the issues involved and also compel the production by him of books and papers relevant and pertinent to the issues and may enforce such answers and the production of such books and papers by contempt proceedings. Whenever a party shall be examined and his deposition taken under the provisions of this section the party taking such examination and the party examined, or their counsel, may stipulate upon the record before the judge or court commissioner before whom the examination is had, that the reading of the deposition to or by the deponent and his signature thereto are waived by consent, and that the deposition may be used with the same force and effect as if read over and signed; and in cases where such stipulation is made the said examination or deposition may be used in the action in which the same is taken and in any other action or proceeding in that or in any other court where it could have been used if read over and signed, with the same force and effect in all respects as if the deponent had read and signed the same. In all cases where the reading and signature shall not be waived, as aforesaid, the said deposition shall be read over to or by the deponent and signed by him before the officer before whom the same was taken, and

Reading and signing of deposition may be waived by stipulation.

the attendance of the party examined for the purpose of reading and signing said deposition may be compelled in the same manner as his attendance for the purpose of submitting to such examination may now be compelled by law; it shall in all cases be delivered or transmitted by the officer before whom taken to the clerk of the court, magistrate or other person before whom the action or proceeding is pending securely sealed, and shall remain sealed until opened by the court or clerk thereof or such magistrate or other person.

SECTION 2. All acts and parts of acts in conflict with this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1899.

No. 42, S.] [Published March 22, 1899.

CHAPTER 30.

AN ACT to repeal chapter 185 of the laws of 1876 and to provide for a register in probate for Waukesha county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter 185, of the laws of 1876, is hereby repealed.

County judge may appoint a register in probate.

SECTION 2. The county judge of the county of Waukesha may appoint, from time to time, by instrument in writing filed with the county clerk, a competent person to act as clerk of the county court, of said county, and the person so appointed shall be officially designated as "register in probate," for said county. Such regis-

ter in probate shall, before entering upon his duties, take and subscribe the constitutional oath of office and file the same in the office of the clerk of the circuit court of said county; and any appointment of such register may be at any time revoked by said judge, and any vacancy arising in such office may be filled by him.

Duties and powers of register.

SECTION 3. Such register in probate shall keep all records required to be kept in said county court, or in the office of said judge, and shall perform such other duties as said judge may direct; and whenever said judge shall be absent from the county seat or unable to discharge his duties, and any application shall be made to said county court for a hearing of which notice is required to be given, such register may cause such notice to be given and make the necessary order therefor, and any such order or notice of hearing, when signed;

"By the court:

_____ _____

Register in Probate,"

shall have the same force and effect as if signed by the county judge. Such register also may administer oaths in all proceedings before said county court, and upon payment or tender to him of the lawful fees therefor he may certify under the seal of said court, and for such purpose shall have access to such seal, to copies of records and files therein, and all such copies so certified and attested shall be legal evidence in like manner as if certified to and attested by the judge of said court. But the powers and duties of such registers shall in no case be considered as extending to any matter arising within the civil or criminal jurisdiction of the county court of said county, as conferred by chapter 99 of the laws of 1891 and the acts amendatory thereof.

Salary of register.

SECTION 4. Such register of [in] probate shall receive for his services rendered in pursuance of this act a salary, the same to be paid out of the county treasury, and such salary shall be at the

rate of five hundred dollars per annum, until otherwise fixed by the county board of supervisors of said county.

SECTION 5. This act shall take effect and be in force from and after the first Monday of January, A. D. 1901.

Approved March 17, 1899.

No. 22, A.] [Published March 23, 1899.

CHAPTER 31.

AN ACT to authorize James Monroe to maintain a ferry across Lake St. Croix, at Hudson.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

To maintain a ferry across Lake St. Croix for ten years.

SECTION 1. James Munro, his heirs, associates and assigns, are hereby granted the right exclusive to keep and maintain for the term of ten years from the fifth day of March, 1899, a ferry across Lake St. Croix at any and all points between the West Wisconsin railway bridge across lake St. Croix, at Hudson, in St. Croix county, and the north line of township twenty-nine in said county, and south Stillwater and the city of Stillwater, Washington county, in the state of Minnesota.

SECTION 2. There shall be kept for use upon said ferry, proper boat or boats and said Munro, his heirs, associates and assigns, shall at all reasonable hours, provide good and sufficient means for ferriage for passengers, teams, and merchandise except when it shall be dangerous from the state of the weather on said lake to do so.

Rates for ferriage.

SECTION 3. The said James Munro, his heirs, associates and assigns shall be entitled to re-

ceive and demand and receive payments for ferriage each way upon said ferry according to the following rates, to-wit: For each foot passenger, ten cents; for each team of two horses, mules or oxen, loaded or unloaded with or without a driver, fifty cents if with a vehicle, and forty cents if without a vehicle; for each single horse, mule or ox with a vehicle with or without a driver twenty-five cents; for each ox, mule, horse or ass without a vehicle, twenty cents; for cattle single, fifteen cents each; for ten or more cattle, twelve cents each; for each single sheep or other animal not above specified, five cents.

SECTION 4. The legislature hereby reserves the right to alter, amend or repeal this act at any future time.

SECTION 5. This act shall take effect and be in force, from and after its passage and publication.

Approved March 21, 1899.

No. 172, A.] [Published March 23, 1899.

CHAPTER 32.

AN ACT to amend section 1926 of the Wisconsin statutes for 1898, relating to the tax on insurance premiums.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1926 of the Wisconsin statutes for 1898 is hereby amended by inserting after the word "state" where it appears in the fifth line from the end of said section the words "or in any company authorized to do business in this state but through agents or persons not residing in such city, village or town, and who has

not complied with the provisions of this section in regard to filing bond" so that said section, when so amended, shall read as follows: Section 1926. There shall be paid on the first day of February in each year to the treasurer of any city or village or town containing an unincorporated village, having or maintaining a regularly organized fire department, as hereinafter provided, for the support and maintenance of such fire department, by every underwriter who shall effect any fire insurance and by every person who shall act as agent for any fire insurance corporation or underwriter in such city, village or town a duty of two per centum upon the amount of all premiums which, during the year or part of a year ending on the next preceding first day of January, shall have been received by such underwriter or agent or by any other person for him, or shall have been agreed to be paid for any insurance effected or agreed to be effected or promised by him as such agent or otherwise, against loss or injury by fire in any such city or village, or town containing an unincorporated village. And no person shall, in any such city, village or town, as underwriter, agent or otherwise, effect or agree to effect, or procure to be effected any insurance upon which the above duty is required to be paid until he shall have executed and delivered to such treasurer a bond in the sum of one thousand dollars with such sureties as such treasurer shall approve, conditioned that he will render to such treasurer on the first day of each February a just and true account, verified by his affidavit, of all premiums which, during the year ending on the first day of January preceding such report, shall have been received by him or any other person for him, or agreed to be paid for any insurance against loss or injury by fire in any such city, village or town which shall have been effected or agreed to be effected by him, and that he will, on the first day of each February, pay to the said treasurer two per centum upon the full amount of such premiums. Every person who shall effect or agree to

Fire insurance companies to pay duty of 2 per cent. for maintenance of organized fire department.

Agent to give bonds to treasurer to establish eligibility to effect insurance.

effect any fire insurance in any such city, village or town without having executed and delivered such bond or who shall wilfully omit to pay such duty shall, for each offense forfeit one hundred dollars, which shall be paid into the treasury for the support and maintenance of such fire department. In case the fire department of any such city, village or town be a voluntary department, or part paid, or either, having a treasurer or treasurers, all moneys received or collected by virtue of this section shall be paid to the treasurer of such department for the support and maintenance thereof exclusively. No city, village or town shall be entitled to such duty unless it shall have, support or maintain a fire department consisting, in case of a voluntary department, of at least one fire engine company with not less than ten active members, having at least one good fire engine and not less than five hundred feet of sound rubber, leather or other hose kept in an engine house fit and ready at all times for actual service, and at least one hook and ladder company, with not less than twelve active members having a good hook and ladder truck, and each such company shall hold a meeting at least once a month, and in case of a paid or partly paid fire department, the buildings, machinery and materials hereinbefore enumerated and the necessary men, teams and equipments to constitute an active and properly equipped department ready for service at all times. But in case any city, village or town shall have and maintain a system of waterworks with sufficient pressure for fire purposes with one or more hose companies of not less than ten active members, each having not less than five hundred feet of sound rubber, leather or other hose, with one or more hose carts kept fit and ready at all times for actual service, such city, village or town shall not be required to maintain a fire engine and the fire department shall be entitled to receive the two per centum named in this section. If any such underwriter or agent shall fail to file the bond or

Penalty for failure to execute bonds.

Qualification of fire department necessary to secure duty.

Penalty for failure of agent to pay duty.

make the report or payment herein provided for the commissioner of insurance, shall upon satisfactory proof thereof, notify the company represented by such underwriter or agent that he is in default and that if such default continues for thirty days after the date of such notice he will revoke the license of such company and all of its agents to do business in this state for the unexpired portion of the year, and at the expiration of such time he shall revoke all of such licenses and shall not renew them or any of them so long as such default continues. The owner of any property situated in any city, village or town within this section who shall insure the same in any company not authorized to do business in this state, or in any company authorized to do business in this state but through agents or persons not residing in such city, village or town and who has not complied with the provisions of this section in regard to filing bond, shall be liable to the city, village or town in which such property is situated for the percentage of premiums on the insurance on such property, and such percentage may be recovered in a civil action brought in the name of the city, village or town the fire department of which is entitled thereto; and all actions to recover such percentage may be so brought.

Policy holders in unauthorized companies to pay duty. Policy holders liable when agent not local.

SECTION 2. This act shall take effect and be in force, from and after the date of its passage and publication.

Approved March 21, 1899.

No. 36, S.] [Published March 23, 1899.

CHAPTER 33.

AN ACT to appropriate the sums of money therein named to the Wisconsin Industrial School for Girls.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation of $9,000 for maintenance of institution. $10,000 for erection of central lighting and heating plant.

SECTION 1. There is hereby appropriated out of any money in the general fund not otherwise appropriated, to the Wisconsin Industrial School for Girls, the following sums of money: for the repair of buildings and care of property belonging to the state of Wisconsin, and occupied by said school at North Point, in the city of Milwaukee, during the ensuing two years, namely, 1899 and 1900, the sum of six thousand dollars; for the erection, construction and furnishing a central heating and electric lighting plant complete, the same to include the necessary power house, smoke stack, necessary excavation, plumbing and apparatus, for the purpose of heating and lighting the buildings upon the land and property belonging to the state of Wisconsin and occupied by said Wisconsin Industrial School for Girls at North Point aforesaid, the sum of ten thousand dollars; provided, however that the plans and specifications for said central heating and electric lighting plant shall be first submitted to the governor and secretary of state for their approval.

Account of moneys expended to be kept and reported.

SECTION 2. A correct account shall be kept by the managers of said school, of the expenditures of said sums hereby appropriated, and the same shall be reported to the governor and legislature in the next annual and biennial reports of said school.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 21, 1899.

No. 167, A.] [Published March 24, 1899.

CHAPTER 34.

AN ACT to authorize the appointment of a board of trustees of homes for dependent children.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Ch. 34 1901, c 106 New Sec's added.

Chairman of county board empowered to appoint four trustees. Terms of office of.

SECTION 1. In all counties in this state wherein there has been established a home for dependent children, the chairman of the county board is hereby authorized and empowered to appoint four persons as trustees of said home, no more than two of whom shall belong to the same political party. The terms of office of said trustees shall be one, two, three, and four years respectively from the fifteenth day of March 1899, and thereafter when the term of office of any trustee shall expire, his successor shall be appointed for the term of four years. Any vacancy occurring shall be filled for the unexpired term. Such trustees shall receive no compensation.

Ch. 34 § 2 05 c 108

Duties of trustees.

SECTION 2. Such trustees when appointed and qualified shall have entire charge of the management of said home, and may make rules and regulations for its government. They shall report their doings to the county board quarterly and at such other time as the board may direct. They may be removed from office, for misconduct or neglect of duty, by an affirmative vote of a majority of the members of the county board; but only after hearing and an opportunity to be heard according to the usual mode of procedure.

§3 C 34 '99 §1 C 106 '01

§4, §5, §6, §7§8, §9, C 34 '99 New §: §1 C 106 '01

SECTION 3. This act shall take effect and be in force, from and after its passage and publication.

Approved March 23, 1899.

No. 54, A.] [Published March 24, 1899.

CHAPTER 35.

AN ACT to amend section 289, chapter 19 of the Wisconsin statutes of 1898 relating to proposals and contract for purchase of stationery.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 289, chapter 19 of the Wisconsin statutes of 1898 is hereby amended by striking out in the sixth line the words "and Chicago" so that the said section when amended will read as follows: Section 289. The superintendent of public property shall provide samples of all the stationery necessary for the use of the state and keep the same for inspection in his office and furnish specimens of such samples to any person requiring the same for the purpose of bidding for furnishing such stationery, and advertise in one newspaper published in the city of Madison and one newspaper published in the city of Milwaukee, weekly, for four weeks, for bids for furnishing the state with the necessary stationery for the use of the state, and let the contract for furnishing such stationery, at such times and in such quantities as he shall deem necessary and proper, to the lowest bidder who shall furnish security satisfactory to the said superintendent that he will furnish such stationery according to the terms of his bid and the contract entered into in pursuance thereof. Preference shall always be given to any bidder residing and doing business in this state if the bid of such resident bidder shall be as low, freight added, as that of any other bidder not doing business in this state. The superintendent shall in no case purchase a greater amount of stationery than the sum appropriated by law to pay for the same; and whenever any stationery shall be so pur-

Superintendent of public property to furnish samples for bidders and to advertise in one newspaper each in Madison and Milwaukee.

Contract let to lowest bidder.

chased an itemized bill of the same shall be filed by him in the office of the secretary of state, and the amount thereof paid out of the state treasury.

SECTION 2. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force, from and after its passage and publication.

Approved March 23, 1899.

No. 558, A.] [Published March 24, 1899.

CHAPTER 36.

AN ACT to amend section 4499 of the annotated statutes of Wisconsin, relating to false impersonation of county officers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Impersonation of county officers punishable by fine or imprisonment.

SECTION 1. Section 4499 of the annotated statutes of Wisconsin is hereby amended by striking out of said section the words "and require any person to aid or assist him in any manner pertaining to the duty of a justice of the peace, sheriff, deputy sheriff, coroner, constable or notary," where the same appear therein, so that said section shall, when amended, read as follows, to-wit: Section 4499. Any person who shall falsely assume or pretend to be a justice of the peace, sheriff, deputy sheriff, coroner, constable or notary and shall take upon himself to act as such shall be punished by imprisonment in the county jail not more than one year or by a fine not exceeding two hundred dollars.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved March 23, 1899.

No. 415, A.] [Published March 24, 1899.

CHAPTER 37.

AN ACT to confer additional powers upon registers in probate.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Registers in probate shall have the same powers as clerks of courts, to certify to copies of papers, records and judicial proceedings. And copies so certified to by such registers in probate shall be receivable in evidence with like effect as if certified to by clerks of courts.

Register in probate given same powers as clerks of courts.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved March 23, 1899.

No. 494, A] [Published March 24, 1899.

CHAPTER 38.

AN ACT to legalize the acts of the county board of supervisors of Taylor county, Wisconsin, relative to the re-establishment of the town of Aurora.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All acts, resolutions and proceedings of the county board of supervisors of Taylor county, Wisconsin, had in special session on the

Legalizing the proceedings of a special meeting.

tenth day of February, 1899, relative to the re-organization, reinstatement, and re-establishment of the town of Aurora in said county, are hereby declared to be valid, legal and binding.

Settlement of indebtedness.

SECTION 2. All indebtedness due to and from the town of Aurora, prior to its vacation by the county board of supervisors of Taylor county, shall be and remain a valid indebtedness due to and from the town of Aurora as re-established.

SECTION 3. This act shall take effect and be in force, from and after its passage and publication.

Approved March 23, 1899.

No. 40, A.] [Published March 24, 1899.

CHAPTER 39.

AN ACT authorizing Ashland county to issue bonds for certain purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Purposes for which bonds may be issued.

SECTION 1. The county of Ashland is hereby authorized to issue bonds as hereinafter specified for the following purposes: To pay all outstanding judgments against such county heretofore rendered, and all outstanding county orders and circuit court certificates heretofore issued; provided that no such bonds shall be issued hereunder except in pursuance of a resolution or ordinance of the county board, duly passed at any annual or adjourned meeting, or special meeting held pursuant to law, nor unless such resolution or ordinance shall provide the total amount of bonds to be issued, the denomination thereof, the time not exceeding twenty years, and place

of payment of principal and of interest, the rate of interest, which shall not exceed six per centum per annum, and the manner in which and by whom the same shall be negotiated; and shall also provide for the collection of a direct annual tax sufficient to pay the interest as it falls due, and to pay the principal within the time fixed therefor. All such bonds shall be signed by the chairman of the county board and by the county clerk, in their official capacities, and sealed with the county seal; and provided, further, that the indebtedness so created, together with all other indebtedness of said county, shall not exceed the constitutional limit. Description of same.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved March 23, 1899.

No. 170, A.] [Published March 24, 1899.

CHAPTER 40.

AN ACT to amend section 2623 of the Wisconsin statutes for 1898 relating to change of venue.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 2623 of the Wisconsin statutes is hereby amended by adding to the end thereof the following: "provided that in actions against municipalities the fact that the judge is a tax-payer in such municipality shall not be such an interest in the matter in controversy as will entitle either party to a change of venue on that account," so that said section when so amended, shall read as follows: "Section 2623. Whenever the judge is a party or in- Trial judge being tax-payer, does not entitle either party to change of venue.

terested in the matter in controversy in any action pending before him, or is related to or has been of counsel for either party, the court or the presiding judge thereof shall, upon application of either party, and may without such application, change the place of trial of such action or call in another judge in the manner prescribed in section 2625, provided that in actions against municipalities the fact that the judge is a taxpayer in such municipality shall not be such an interest in the matter in controversy as will entitle either party to a change of venue on that account."

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved March 23, 1899.

No. 175, A.] [Published March 24, 1899.

CHAPTER 41.

AN ACT to limit the purchase of goods by junk or second-hand dealers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Purchase of goods from minors, except on consent of parents, prohibited.

SECTION 1. No dealers in second-hand articles or keeper of a junk store shall purchase any goods, article or thing whatsoever, except old rags and waste paper, from any minor under eighteen years of age, without written consent of parent or guardian.

Punishment for.

SECTION 2. Any person or persons violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail not more than six months, nor less than

thirty days, or by fine not exceeding one hundred dollars, nor less than one dollar, or by both such fine and imprisonment in the discretion of the court.

SECTION 3. This act shall take effect and be in force, from and after its passage and publication.

Approved March 23, 1899.

No. 345, A.] [Published March 24, 1899.

CHAPTER 42.

AN ACT to provide for the payment of the expenses of the Wisconsin state tax commission, and making an appropriation therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriations to defray traveling and other expenses of commission. Not extended to ex-officio members.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, such sum as shall be necessary to compensate the members of the Wisconsin state tax commission, provided for by chapter 340, laws of 1897, for actual necessary expenses incurred by them in the prosecution of their work as such commissioners, for traveling, postage, etc.; such expenses to be evidenced by sworn vouchers presented to and audited by the secretary of state; provided however that this act shall not apply to the members ex-officio of said commission; and provided further that the total amount so paid out from the state treasury, shall not exceed in the aggregate the sum of eight hundred and ninety-seven and thirty-two hundredths dollars.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved March 23, 1899.

No. 78, A.] [Published March 24, 1899.

CHAPTER 43.

AN ACT authorizing and empowering the Wausau Cemetery Association to sell and convey title of certain lands.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

On reasonable consideration empowered to deed to any purchaser.

SECTION 1. The Wausau Cemetery Association is hereby authorized and empowered to sell and convey, for a reasonable and adequate consideration, all that part of the southwest quarter, of the northwest quarter of section one, town twenty-eight north, of range seven east, in the county of Marathon, state of Wisconsin, lying west of the public highway known as the Wausau and south line road, to any purchaser or purchasers thereof and to make and to execute, by its president and secretary, a deed in proper form therefor, which deed shall be evidence of a good and sufficient title in fee simple in and to said premises.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved March 23, 1899.

No. 96, A.] [Published March 24, 1899.

CHAPTER 44.

AN ACT to pay the Sturgeon Bay Bridge Company a sum of money therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Return of taxes paid to state instead of to Sturgeon Bay.

SECTION 1. There shall be paid by the treasurer of the state of Wisconsin, from any public moneys not otherwise appropriated, to the Sturgeon Bay Bridge Company, the sum of one hundred twenty-six dollars and seventy-five cents, which amount is due the said bridge company from the state by reason of the payment of taxes to the state which should have been paid to the city of Sturgeon Bay.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved March 23, 1899.

No. 68, A.] [Published March 24, 1899.

CHAPTER 45.

AN ACT to provide for the paying of a bounty for the killing of wolves, wild cats and lynx and repealing all conflicting laws.

§1 C 45 '99
§1 C 311 '01

Ch. 45, § 1
1901, c 311

Ch. 45
05 c 324

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Every person who shall kill any wolf by poison or otherwise, shall be entitled to a

Bounty by county, for killing by poison or otherwise, and method of payment.

reward of three dollars and every person who shall kill a wild cat or lynx by poison or otherwise, shall be entitled to a reward of one dollar to be paid by the county wherein said wolf, wild cat or lynx was killed, on presentation to the county clerk of the town chairman's certificate provided for in section 1627 of the Wisconsin statutes of 1898. Nothing in this act shall prohibit any county from increasing said bounty or reward by a majority vote of its county board at any annual meeting provided that no county shall pay more than five dollars reward for the killing of a wolf and three dollars for the killing of a wild cat or lynx.

Reward paid by state.

SECTION 2. The same reward for the killing of any wolf, wild cat or lynx shall be paid by the state as paid by the county under the provisions of section one of this act on presentation to the secretary of state of the oath and certificate as provided in section 1628 of the Wisconsin statutes of 1898.

SECTION 3. All acts or parts of acts, conflicting with this act, are hereby repealed.

SECTION 4. This act shall take effect and be in in force, after its passage and publication.

Approved March 23, 1899.

No. 171, A.] [Published March 24, 1899.

CHAPTER 46.

AN ACT to amend section 1775b, of the Wisconsin statutes of 1898 relating to service of processes on corporations and providing for an index.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

C 46 '99 repealed 82 C 190 '03

Ch. 46 Repealed 1903 c 190 § 2

SECTION 1. Section 1775b, of the Wisconsin statutes of 1898 is hereby amended so as to read as follows: Section 1775b. Every private corporation incorporated or organized under any law of this state shall on or before the first day of October 1898, and thereafter within ten days after each election or appointment or any subsequent change of such officers respectively file in the office of the register of deeds of the county in which the corporation is located and where its articles of incorporation are recorded a list containing the names of its president, vice president, if any, secretary, treasurer, cashier or managing agent on whom service of process, notices or orders may be made as provided in subdivision 10 of section 2637. Any such corporation hereafter formed shall file such list in the office of the register of deeds of the county in which such corporation is located, and where its articles of incorporation are recorded, within ten days after each election or appointment or any subsequent change of such officers respectively; and in all cases where any such corporation shall fail to comply with the provisions hereof and from and after the time when it shall be required to file any such list until the same shall be filed as aforesaid, service of all legal process, notices, orders or other legal papers may be lawfully and effectively made upon any such corporation by deliver-

Corporations to file list of officers, after each election or change, within ten days with register of deeds.

On failure to file list processes may be served on corporation by service on register of deeds.

ing to and leaving with the register of deeds of the county where such corporation is located and where its articles of incorporation are recorded, true copies of such legal process, notices, orders or papers in which case service so made shall be of like force and effect as if the same had been served upon any officer or agent of such corporation designated by said subdivision 10 of section 2637. Such service may also be made upon said corporation in the manner provided in section 2637, and by publication in the case provided in subdivision six of section 2637.

SECTION 2. It shall be the duty of the register of deeds in each county to keep a separate index book in which shall be entered alphabetically the names of all corporations filing such lists with the date of filing same and number of instrument.

SECTION 3. This act shall take effect and be in force, from and after its passage and publication.

Approved March 23, 1899.

No. 109, A.] [Published March 24, 1899.

CHAPTER 47.

AN ACT to amend section 94t, of the revised statutes of 1898, relating to judicial election.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Judicial elections to be conducted same as general elections.

SECTION 1. Section 94t of the revised statutes of 1898, is hereby amended so as to read as follows: Section 94t. Elections for justices of the supreme court, circuit, county and municipal judges shall be notified, held and conducted and the results canvassed and returned in the

same manner as at general elections. The ballots therefor shall be printed, furnished and distributed by the county clerks at the expense of the county as other official ballots are distributed, so prepared as to indicate the candidates or the nominees to be voted for and the respective judicial office for which each is intended as a ballot substantially in the form prescribed in section 38. All votes given for any such officer shall be put in a ballot box, separate from that used for any other election on the same day. The polls of election for such officers shall open and close at the same time that the polls are opened and closed for the election of other officers who are voted for at the same time and place, or if no other officers are then being voted for they shall open and close at the same time at which they would be opened and closed, in the locality in which they are located at any general election. Within a like time as prescribed for the county canvass after a general election, a board of county canvassers shall be convened, who shall canvass the statements received from the several polls in the county and make a statement thereof, and return the same including the votes for the office of county judge, as at a general election and they shall determine who is elected to the office of county judge, and the county clerk shall give him a certificate thereof. The board of state canvassers shall be convened on or before the fifteenth day of May, to canvass the statements of votes received for justice of the supreme court or circuit judge in like manner and shall have the powers and perform the duties in relation thereto, so far as applicable, as prescribed in respect to the canvass for state officers. And all the provisions of law respecting the qualifications of voters, the conduct of elections and the canvass and return of votes at general elections, shall be applicable to elections held under this chapter.

Canvass of votes.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved March 23, 1899.

No. 18, S.] [Published March 24, 1899.

CHAPTER 48.

AN ACT to amend section 1458a of the Wisconsin statutes of 1898 relating to state board of agriculture.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1458a of the Wisconsin statutes of 1898 is hereby amended by adding after the words "state fairs" where they occur in the fourth line of said section, the words "and state fair grounds," so that said section 1458a when so amended shall read as follows: Said board may occupy such rooms in the capitol as may be assigned for that purpose by the governor. They shall have sole control of the affairs of the department of agriculture, and of all state fairs, and state fair grounds, and may make such by-laws, rules and regulations in relation to the management of the business of such department and said fairs and the offering of premiums thereat as they shall from time to time determine. The board shall make a report of their action to the governor on or before the first day of December in each even-numbered year.

Given control of state fair grounds.

Ch. 48 See 1901, c 82

SECTION 2. This act shall take effect and be in force after its passage and publication.

Approved March 23, 1899.

No. 144, S.] [Published March 24, 1899.

CHAPTER 49.

AN ACT to amend section 2450 of chapter 114, of the Wisconsin statutes of 1898, relating to county courts.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

County judge allowed actual expenses when holding court in other than own county.

§1 C 49 '99
§1 C 134 '01

Ch. 49
1901, c 134

SECTION 1. Section 2450 of chapter 114 of the Wisconsin statutes of 1898, is hereby amended by adding at the end of said section the following words: whenever any county judge, pursuant to this section, shall hold court in any county other than that for which he was elected, he shall receive his actual expenses to be audited and paid by the county board of the county in which he so holds court.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 23, 1899.

No. 272, S.] [Published March 24, 1899.

CHAPTER 50.

Ch. 50
107 423

Ch. 50
113 39 43

Ch. 50
115 462

AN ACT to amend section 1059 of the statutes of 1898, relating to the assessment of real and personal property.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1059 of the revised statutes is hereby amended by adding after the word "real" in the first line the words "or personal"

Both real and personal property when omitted from assessment, to be entered for each omission.

so that the said section shall read as follows: Section 1059. Real or personal property omitted from assessment in any of the three next previous years by mistake or inadvertance, unless previously re-assessed for the same year or years, shall be entered once additionally for each previous year of such omission, designating each such additional entry as omitted for the year 18.. (giving year of omission) and affixing a just valuation to each entry for a former year as the same should then have been assessed according to his best judgment, and taxes shall be apportioned and collected on the tax roll for such entry.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 23, 1899.

No. 355, A.] [Published March 25, 1899.

CHAPTER 51.

AN ACT to amend section 926 of the statutes of 1898, relating to cities under special charters.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Street commissioner may be elected by council instead of by people.

SECTION 1. Section 926 of the statutes of 1898, is hereby amended by inserting after the words "such special charter," in the twenty-eighth line of said section, the words "and shall have power to provide for and change the manner of electing a street commissioner, so that such officer may be elected by the council, instead of by the people."

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved March 23, 1899.

No. 262, A.] [Published March 25, 1899.

CHAPTER 52.

AN ACT to amend section 1576 of the Wisconsin statutes of 1898, relating to peddlers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Failure to produce license on request, prima facie evidence that none has been obtained. Who may make request.

SECTION 1. Section 1576 of the statutes of 1898, is hereby amended by striking out the words, "the authorized" as they appear at the end of the fourth line beginning at the bottom of said section, and inserting in lieu thereof the words "any sheriff, under-sheriff, deputy sheriff, policeman, marshal, constable or any peace," and by inserting at the end of said section the words "and any failure to produce such license when required by such officers, shall be prima facie evidence that no such license has been obtained;" so that when so amended, said section will read as follows: Section 1576. Every person who shall be found traveling or trading contrary to the provisions of this chapter or to the terms of any license that may have been granted to him, or shall when licensed as a transient merchant, trader or dealer neglect or refuse to pay the per diem tax authorized by section 1572, according to the ordinance or resolution of the town, city or village passing the same, shall, for each offense, forfeit not less than fifty dollars nor more than one hundred dollars, which the district attorney of the proper county shall sue for in the name of the state and cause to be collected and paid into the state treasury for the benefit of the school fund. The court imposing such forfeiture may order that there be paid to the district attorney out of the sum collected in the action prosecuted by him a sum not exceeding fifteen per centum thereof, and to the witnesses or

other persons furnishing information of the violation of law, a sum not exceeding ten per centum of the amount collected; provided, that if any person shall engage in trade in any town, city or village, contrary to the provisions of this chapter respecting transient merchants, traders or dealers, nothing herein contained shall prevent such town, city or village from suing for and collecting the amount of the per diem tax imposed upon such person for the use of such town, city or village according to the provisions of chapter 142, and in addition thereto a forfeiture of a sum equal to the amount of such tax. Upon the trial of any such action the fact that such person has not been engaged in trade in the plaintiff town, city or village for the space of six months, or has not paid any tax therein upon his goods, wares and merchandise as resident dealers have done, shall be prima facie evidence that he is a transient merchant, trader or dealer and that he is liable to such per diem tax if it has not been paid. Every person having a license under the provisions of this chapter as a peddler or transient merchant, trader or dealer who shall refuse to produce it for examination when lawfully required to do so by the treasury agent or any special treasury agent, or any sheriff, under-sheriff, deputy sheriff, policeman, marshal, constable or any peace officer of any town, city or village shall be punished by a fine of not more than twenty dollars or by imprisonment in the county jail not more than twenty days, or by both such fine and imprisonment; and any failure to produce such license when required by such officers shall be prima facie evidence that no such license has been obtained.

Prima facie evidence as to transient merchant.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved March 23, 1899.

No. 173, S.] [Published March 25, 1899.

CHAPTER 53.

AN ACT to change the name of the state library commission to free library commission.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The name of the state library commission is hereby changed to free library commission. Change of name.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 24, 1899.

No. 342, S.] [Published March 25, 1899.

CHAPTER 54.

AN ACT to provide for the election of supervisors in counties of one hundred thousand inhabitants or more and to re-establish the term for which they were elected.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All supervisors heretofore elected under the provisions of chapter 165 of the laws of Wisconsin for the year 1889, as amended by chapter 103 of the laws of 1895, shall hold their office for the term for which they were elected, said chapter 165 as amended having been repealed by mistake. Law repealed by mistake.

Term of supervisors two years.

SECTION 2. In all counties within this state which have a population of not less than one hundred thousand, the supervisors elected shall hold their office for the term of two years.

SECTION 3. All acts or parts of acts which contravene the provisions of this act, are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 24, 1899.

No. 64, S.] [Published March 24, 1899.

CHAPTER 55.

AN ACT for the organization of corporations to create and maintain parks, drives and boulevards, and hold the same in trust for certain classes of cities, and to receive gifts and grants therefor, and to enable such cities to take, hold and manage property for parks, drives and boulevards.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Park corporations, how organized. First class cities excepted from act.

SECTION 1. Any number of adult persons, not less than five, residing in any city except cities of the first class, whether incorporated by general law or special act may organize a public corporation for the purposes mentioned in this act. Such persons shall make, sign and acknowledge articles of incorporation in substantially the form provided by section 1772 of the statutes of 1898. Such corporation shall be without capital stock and shall have the general powers conferred by section 1748 of the statutes of 1898, not inconsistent however, with the pow-

ers and privileges conferred by this act. Such corporation shall have its residence and location and principal office and place of business in the city in which it is organized and in connection with which the parks, boulevards or pleasure drives herein mentioned are maintained and carried on.

How persons may become members.

SECTION 2. Any person may become an annual member of any such corporation by subscribing for, and agreeing to pay such minimum sum of money per annum as the by-laws shall prescribe for and during the fiscal year of such corporation which shall end on the second Tuesday of April in each year, and members shall cease to be such on failure to renew their subscription for any subsequent year. Any person may become a life member of such corporation, with all the privileges conferred by law or the by-laws, upon the payment to the corporation of such sum as the by-laws shall prescribe. The by-laws may also provide for the election of honorary life members of the corporation.

Powers of corporation. May receive gifts for park purposes.

SECTION 3. Corporations authorized by this act shall have full power to govern, manage, control and improve parks, boulevards and pleasure drives over which their powers and jurisdiction extend under the provisions of this act, and to lay out the same, and shall have power to take and hold by gift or bequest for such purposes, personal property, and to take and hold by purchase, gift, grant, dedication or devise real property for such purposes, located within the limits as fixed by section 4 of this act, but shall take and hold such property and exercise said powers in trust for the city in connection with which said parks, boulevards or pleasure drives shall be laid out and maintained.

Powers of cities to acquire property for park and boulevard purposes.

SECTION 4. Any city of the class mentioned in section 1 of this act shall have power to take by gift, or bequest, any personal property for the purpose of securing, constructing or maintaining parks, boulevards, or pleasure drives and may also take and hold by grant, devise or dedi-

cation or by purchase any real property within the county in which said city is located for like purposes, and cities situated in two or more counties shall have like power to acquire real estate for such purposes, in any or either of said counties. Any such city located upon or within one mile of the county boundary line may take real property by grant, devise or dedication for the purposes aforesaid, either in the county in which it is located or in such other county or counties.

Corporations to have full charge of gifts, etc., accumulations and profits, how devoted, limitations.

SECTION 5. All gifts, grants, bequests, devises or dedications for the benefit or advantage of any such corporation in its trust capacity as aforesaid, or for the benefit or advantage of any such city for the purposes aforesaid whether made to trustees for or directly to any such corporation or city, shall be legal and valid, including all provisions and directions in any such instrument for accumulation of the income of any fund or rents or profits of any real estate, and shall be executed and enforced and exclusively devoted to the specific objects for which they shall have been designed according to the provisions of the instrument making the same, without being subject to the limitations and restrictions provided by law in other cases; but no such accumulation shall be allowed to produce a fund more than twenty times as great as that originally given.

Common council may transfer property to said corporation.

SECTION 6. Any such city may, by a vote of the common council, vest in and transfer to any such corporation, but in trust, as hereinbefore provided, the management and control of any real property held by it for the purpose of laying out, maintaining or carrying on parks, boulevards or pleasure drives, whether the same was received by said city by gift, grant, devise, bequest or dedication as aforesaid or obtained from any other source or held by said city at the time of the organization of any such corporation. But any such city may, by a like vote revoke the said transfer to said corporation and

revest the management and control of said property in its own officers at any time it may deem it for the public interests so to do.

Common council may appropriate money to said corporation. Obligation of city.

SECTION 7. It shall be lawful for any such city to appropriate, by a vote of its common council, to any such corporation, moneys for the uses and purposes of such corporation, but such city shall not be bound by any contract or obligation made or incurred by any such corporation, unless expressly authorized by a two-thirds vote of the common council and approved by the mayor.

All lands acquired by corporation to be held in trust for public benefit. Exemptions from taxation.

SECTION 8. All lands acquired by any corporation organized under this act or subject to its control and management, shall be held in trust as aforesaid for public parks, boulevards and pleasure drives for the recreation, health, welfare and benefit of the public, and shall be free to all persons, subject to such necessary and reasonable rules and regulations as shall, from time to time be adopted under the provisions of this act, for the well ordering and government thereof. And all such lands and personal property so held in trust for such purposes shall be exempt from taxation. Provided however that such lands only as are used for public parks, boulevards and pleasure drives shall be exempt from taxation.

Management of parks and drives. Jurisdiction of police court over violations of regulations under sec. 13.

SECTION 9. Such corporations shall have power to make rules and regulations for the government, management and control of such parks, boulevards and pleasure drives and for the preservation of order therein, to restrict traffic and prohibit heavy teaming thereon, to employ such persons and purchase such machinery and tools as may be necessary for the proper improvement, management and care thereof, and prescribe the respective duties and authority of their employes and fix the amount of their compensation. Copies of said rules and regulations shall be posted up in convenient places in and upon such parks, boulevards and drives, and the officers of said corporation or any superintendent thereof

shall have power to summarily enforce all such regulations, and for that purpose shall have the powers of police officers. Any such officer or superintendent may also summarily arrest any person engaged in the violation of any provision of section 12 of this act, and for that purpose shall have the same powers as a policeman within the city in connection with which any such park, boulevard or drive shall be maintained, and the municipal or police courts of any such city shall have jurisdiction of any such offense and also of any offense committed under section 13 of this act in the same manner and to the same extent as they have jurisdiction of misdemeanors.

Neither city nor corporation liable for damages resulting from want of repair.

SECTION 10. No city in connection with which any such park, boulevard or pleasure drive shall be maintained under the provisions of this act shall be liable for any damage resulting from any want of repair or insufficiency in construction or maintenance of any parks, boulevards or pleasure drives, nor shall any such corporation so holding the same in trust, or its officers, agents or servants be liable for any damage resulting from any want of repair or insufficiency therein. There shall be placed at conspicuous points along such drives, outside the city limits, at intervals of not exceeding one mile, a notice in large plain letters as follows: "Any person using this drive does so at his own risk as to defects therein."

Right to use public highway, how acquired.

SECTION 11. Any such corporation may procure by agreement with the supervisors of any town, the right to take and use any part of any public highway in said town, to be used in connection with any drive or boulevard under the management and control of such corporation, and may agree with said supervisors upon the amount of compensation and damages to be paid by such corporation to the town therefor; every such agreement with the supervisors shall be in writing and be filed in the town clerk's office; and said compensation and damages, when paid to the supervisors, shall be expended by them in improving the highways of the town.

SECTION 12. Any person who shall injure, re-

move, break, burn, cut down, root up, sever or carry away any tree, shrub, plant, root, vine or flower, standing or growing in or upon any such park, boulevard or pleasure drive or who shall tear down, mutilate, deface, destroy or injure, any sign board, mile stone, post, guide board, bridge, fence, walk or railing, or any part thereof, or any printed or written copy of the rules or regulations of said corporation or of any statute relating to parks, boulevards or pleasure drives posted up or being in or upon such parks, boulevards or pleasure drives, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding ten dollars, but upon proof that any such act was maliciously done, he shall, upon conviction thereof, be punished by a fine not exceeding fifty dollars.

Penalty for defacing or destroying park, boulevard or drive property.

SECTION 13. Any person who shall violate any of the rules or regulations of such corporation mentioned in section 9 of this act, which shall be posted up as required by said section, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding ten dollars.

Penalty for violating rules and regulations of management.

SECTION 14. If any corporation hereafter organized under the provisions of this act shall at any time fail through neglect or from any other cause, to perform the duties of a trustee as provided in this act, and by reason of such failure injury may result to any of the drives, parks, boulevards or other property held by such corporation as trustee, then upon petition to the circuit court of the county in which said corporation shall be located of any five citizens and freeholders residing within said county, said court may, upon notice given to such corporation, appoint a day for hearing said petition and if upon such hearing it shall appear that damage has resulted to, or is likely to result to, any of the property held by such corporation, said circuit court may appoint such number of trustees *ad interim* as shall be deemed necessary to protect the interests of the public in said trust, until such time

Failure of corporation to perform duties, how reached.

as the disability of said corporation as trustee shall have been removed.

SECTION 15. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed, but sections 959–9 to 959–17 of the statutes of 1898, shall continue in force.

SECTION 16. This act shall take effect and be in force from and after its passage and publication.

Approved March 24, 1899.

No. 512, A.] [Published March 24, 1899.

CHAPTER 56.

AN ACT to divide the town of Lincoln, Monroe county, and create the new town of Grant.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Town of Grant defined.

SECTION 1. All that portion of the town of Lincoln, in Monroe county, described as township number nineteen north, of range number two west, is hereby set off and detached from the town of Lincoln, and erected into a separate town under the name and title of the town of Grant.

Powers of.

SECTION 2. The said town of Grant is hereby created and organized with all the rights, powers and privileges by law granted to other towns in this state, and subject to all the general laws enacted for town government therein.

Date of first town meeting. Appointment of inspectors.

SECTION 3. The first town meeting of the said town of Grant, shall be held on the first Tuesday of April, A. D. 1899, in the school house of the school district number one, located in section fifteen of said township, and the inspectors of said town meeting shall be James Shepard, William Mosher, and Henry Schroeder, if present at the

time and place appointed, and if not present, the person or persons necessary to fill any vacancy, shall be selected by the electors of said town present at such time and place; and the requisite number of clerks for such town meeting shall be chosen by such electors present, from the persons present at such time and place.

Division of assets.

SECTION 4. The assets and funds now possessed by or due the town of Lincoln shall be ascertained, and the town of Lincoln shall pay over to the town of Grant, such proportion of the same as the assessed valuation of the property in such detached territory shall bear to the whole assessed valuation of the town of Lincoln; all to be based upon the assessment as equalized by the town board of review of the town of Lincoln in the year 1898.

Division of liabilities.

SECTION 5. All indebtedness now owing, and all valid claims due or to become due, against the old town of Lincoln, shall be valid against and paid by both the town of Lincoln and the town of Grant, in the same proportion as provided in section 4, regarding the division of assets.

SECTION 6. This act shall take effect and be in force, from and after its passage and publication.

Approved March 24, 1899.

No. 115, S.] [Published March 25, 1899.

CHAPTER 57.

AN ACT to amend section 491 of the statutes of Wisconsin for 1898 relating to joint free high school districts.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amendments to section 491.

§1 C 57 '99
§1 C 345 '03

SECTION 1. Section 491 of the Wisconsin statutes of 1898 is hereby amended by inserting after the word "towns" in the first line of said section the following: "or school districts," and by inserting after the word "towns" in the second line of said section the following: "or school districts" and by inserting after the word "village" in the second line of said section the following: "or city" and by inserting after the word "town" in the sixth line of said section the following: "the directors of each school district, the common council of such city," and by inserting after the word "town" in the seventh line of said section the following: "school district, city," and by inserting after the word "town" in the ninth line of said section the following: "school district, city," and by inserting after the word "meetings" in the eleventh line of said section the following: "in the several school districts as at annual school district meetings, in the city, if any, as at a charter election," and by inserting after the word "towns" in the twelfth line of said section the following: "directors of said school districts, common council of such city" and by inserting after the word "town" where it last occurs in the fourteenth line of said section the following: "the clerk of each school district, the clerk of such city," and by inserting after the word "towns" in the fifteenth line of said section the following: "school district or school districts and city," so that when amended said section shall read as fol-

How joint free high school district may be formed.

lows: "Two or more adjoining towns or school districts, or one or more towns or school districts and an incorporated village or city; when the same together will make a district of contiguous territory, may unite in establishing and maintaining any such high school. The resolution proposing the same shall be approved and submitted and the notice of election signed by at least a majority of the supervisors of each town, the directors of each school district, the common council of such city and trustees of such village, if any, and the election shall be notified and conducted in each town, school district, city or village as provided in the preceding section. Such resolution shall not be adopted unless a majority of the votes cast in each such town, school district, city or village be in favor thereof. The votes shall be canvassed at the first election, and all subsequent elections in the several towns as at town meetings, in the several school districts as at annual school district meetings, in the city, if any, as at a charter election, and in the village, if any, as at village elections; and the supervisors of the several towns, directors of said school districts, common council of such city and trustees of such village shall, within one week after such election; meet and canvass the votes and certify the result to the town clerk of each town, the clerk of each school district, the clerk of such city and to the village clerk of such village. If such resolution be adopted, the town, or towns, school district or school districts and city and village, so voting, shall constitute a joint high school district.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 24, 1899.

No. 92, S.] [Published March 25, 1899.

CHAPTER 58.

AN ACT to amend chapter 186, laws of 1897, entitled, "An act relating to school boards and common and high schools, in cities of the first class, containing a population of 150,000 or more.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

§1 C 58 '99
§1 C 130 '01

Ch. 58, § 1
1901, c 130

School funds not to be used or appropriated for any other than school purposes.

SECTION 1. Section 16, of chapter 186, of the laws of 1897, approved April 8, 1897, is hereby amended so as to read as follows: Section 16. The said board shall report to the common council of each city under this act, at or before the first meeting of the council in September in each year, the amount of money required for the next fiscal year for the support of all the public schools, including high schools, in said city; and it shall be the duty of said common council to levy and collect a tax not exceeding three and one-half mills upon the dollar of the total assessed valuation of all property, real and personal, in such city, subject to taxation, in addition to the tax to be levied for general city purposes, upon all the taxable property of said city, at the same time and in the same manner as other taxes are levied and collected by law, which, with the other funds provided by law and placed at the disposal of such city for the same purpose, shall be equal to the amount of money so required by said board for the support of said schools. The said tax and the entire school fund of the city shall not be used or appropriated directly or indirectly for any other purposes than the payment of the salaries of the superintendent of schools and his legally authorized assistants, the secretary of the school board, the legally qualified teachers whose appointments are

confirmed by said board, and such other employes as the board may deem necessary, and the necessary and current expenses of the schools, including the purchase of school supplies, apparatus, fuel, gas, electricity or electrical power. All moneys received by or raised in such city for school purposes shall be paid over to the city treasurer, to be disbursed by him on orders of the president and secretary of said board, countersigned by the city comptroller; provided that the president, instead of signing each order, may certify upon the pay-rolls furnished by the secretary to the comptroller, to the facts that the amounts therein are correct, as allowed by said board.

Levying of tax to defray expense of repairs.

§2 C 58 '99
§3 C 357 '01
Ch. 58, § 2
See 1901, c 357, § 3

SECTION 2. Section 17 of said chapter 186 of the laws of 1897, is hereby amended so as to read as follows: Section 17. The common council shall, in addition to the funds hereinbefore provided for the support and maintenance of the public schools, levy and collect a tax upon all the taxable property of said city, at the same time and in the same manner as other taxes are levied and collected by law, for such amount of money as may be determined and reported to the common council in September in such year, for the purpose of defraying the expense of repairs of school buildings, fixtures, grounds and fences. Said tax, when collected, shall be set aside for the purposes herein specified, to be disbursed only upon the order of the board of school directors, upon bills incurred and allowed by them for the purposes herein mentioned. Such tax shall not exceed one-fourth of a mill upon the dollar of the total assessed valuation of all property, real and personal, in said city, subject to taxation.

Tax, how disbursed.

SECTION 3. All acts and parts of acts contravening the provisions of this act are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 24, 1899.

No. 14, S.] [Published March 25, 1899.

CHAPTER 59.

AN ACT to amend subdivision 9, of section 166, of the statutes of 1898 relating to the duties of the state superintendent.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Two instead of four county superintendent conventions.

SECTION 1. Subdivision 9, of section 166, of the statutes of 1898 is hereby amended by striking out the word "four" where it occurs in the first line of said subdivision 9, of said section, and inserting in lieu thereof the word "two," so that said subdivision of said section when so amended shall read as follows: 9. To hold at least two conventions annually in as many different and most convenient and accessible points in the state for the purpose of consultation, advice and instruction with county superintendents in regard to the supervision and management of the public schools.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 24, 1899.

No. 102, A.] [Published March 28, 1899.

CHAPTER 60.

AN ACT to appropriate to Beloit city school district, a sum of money to repay said school district for costs, disbursements and expenses incurred by it in defending certain mandamus proceedings, growing out of the compliance of the school board of said district, with certain rules of the Wisconsin state board of health and vital statistics, passed pursuant to section 2, chapter 452 of the laws of Wisconsin for 1887.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation

SECTION 1. There is hereby appropriated to Beloit city school district, the sum of six hundred and twenty-nine dollars and eleven cents, out of the moneys in the state treasury not otherwise appropriated.

To re-imburse district for cost and disbursements in defending certain mandamus proceedings.

SECTION 2. The purpose of this act is to repay to the said school district, the sum of six hundred and twenty-nine dollars and eleven cents, which is the amount of costs, expenses and disbursements incurred by said school district in defending certain mandamus proceedings, instituted by E. J. Adams, E. A. Greenwood, J. V. Richards, H. R. Meyer, N. E. Stevens and S. Florey in the circuit court for Rock county, and which said proceedings were instituted to compel the said school district, by its officers, to admit to the public schools of said district, the children of said persons without being first successfully vaccinated as required by the rules of the Wisconsin state board of health and vital statistics, dated January 27, 1894 and July 10, 1894, adopted by said state board of health and vital statistics, pursuant to section 2, chapter 452 of the laws of Wisconsin for 1887.

Appropriation payable to clerk of district.

SECTION 3. The said sum of six hundred and twenty-nine dollars and eleven cents, shall be paid to A. N. Bort, clerk of said school district, or to his successor in office, by the state treasurer, as soon as this act shall take effect and be in force.

SECTION 4. This act shall take effect and be in force, from and after its passage and publication.

Approved March 24, 1899.

No. 344, A.] [Published March 28, 1899.

CHAPTER 61.

AN ACT to amend chapter 40a, of the revised statutes of the state of Wisconsin, relating to bicycles.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Licensing power removed from common council.

SECTION 1. Sub-division number 66, of section 925–52 of chapter 40a, of the revised statutes of the state of Wisconsin is hereby amended by striking therefrom the word "license" where it occurs in the first line thereof, so that when so amended such sub-division shall read as follows: 66. To regulate bicycles and the use thereof upon the streets and public places, and provide for the use of bells and lights thereon.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved March 24, 1899.

No. 286, A.] [Published March 28, 1899.

CHAPTER 62.

AN ACT to amend section 2424 of the Wisconsin statutes of 1898, relating to the terms of court in the seventeenth judicial circuit.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 2424 of the Wisconsin statutes of 1898 is hereby amended by striking out the words, "and on the second Monday of December" in the third and fourth lines of that part of said section relating to terms of court in the seventeenth judicial circuit, so that said part of said section when amended will read as follows: seventeenth circuit. In the county of Jackson on the first Monday in March and September; in the county of Eau Claire on the third Monday in March and September; in the county of Clark on the third Monday in April and October. There shall also be held in the county of Eau Claire, on the second Monday in June, a special term for said circuit, but no jury shall be drawn for said term.

December term in Eau Claire county discontinued.

§1 C 62 '99
§1 C 103 '01

§1 C 62 '99
§1 C 221 '03

Ch. 62
1901, c 103

SECTION 2. All acts and parts of acts, conflicting with this act are hereby repealed.

SECTION 3. This act shall take effect and be in force, from and after its passage and publication.

Approved March 24, 1899.

No. 356, A.] [Published March 28, 1899.

CHAPTER 63.

AN ACT to amend section 3047 of the Wisconsin statutes of 1898, relating to appeals to the supreme court.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

From what courts and judgments.

SECTION 1. Section 3047 of the Wisconsin statutes for 1898, is hereby amended so as to read as follows: Appeals to the supreme court may be taken from the circuit courts and also from the county courts having civil jurisdiction, except in cases where express provision is or may be made by law for an appeal to the circuit court, from such county courts and from any court of record having civil jurisdiction when no other court of appeal is provided by law. Appeals may be taken from interlocutory judgments, subject to the same limitations as from final judgments.

Ch. 63
106 542

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved March 27, 1899.

No. 203, S.] [Published March 28, 1899.

CHAPTER 64.

AN ACT to amend section 8 of chapter 241 of the laws of Wisconsin for the year 1893, entitled: "An act to create a municipal court for Ashland county."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Police officers given powers to serve process in certain cases.

SECTION 1. Section 8 of chapter 241 of the laws of Wisconsin for the year 1893 is hereby amended by inserting after the word "court," in the fourth line thereof, the following: "and the police officers of said city shall also have the power to serve and execute the process of this court wherein the state of Wisconsin is a party in all cases where the offense charged was committed within the limits of said city," so that when so amended it shall read as follows: Section 8. Sheriffs and constables of Ashland county shall serve and execute the process of this court wherein the state of Wisconsin is a party and all civil process issued out of said court; and the police officers of said city shall also have the power to serve and execute the process of this court wherein the state of Wisconsin is a party and all cases where the offense charged was committed within the limits of said city. The police officers of said city shall serve and execute all process issued out of said court, wherein the city of Ashland is a party.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 27, 1899.

No. 160, A.] [Published March 28, 1899.

CHAPTER 65.

AN ACT relating to the organization of bankers mutual casualty insurance companies, and regulating the operations of foreign companies doing business in this state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Business of corporations defined.

SECTION 1. Any insurance company organized and incorporated on the mutual plan, under the laws of this state or any other state, for the purpose of insuring against loss or damage resulting from burglary and robbery, or attempt thereat, and securing against the loss of money and securities in the course of transportation, when shipped by registered mail, shall be authorized, admitted and licensed to do business in this state as hereinafter provided.

Qualifications necessary to be admitted.

SECTION 2. Before any such company shall be authorized to transact business in this state, except to solicit and receive applications for insurance and portions of premiums thereon, as hereinafter provided, it shall have in force five hundred or more policies on which the premium shall have been paid in cash, or shall be evidenced by the written contracts of the policy holders, on which not less than one-fifth of the amount shall have been paid in cash; and the cash and contracts for premiums shall amount in the aggregate, to a sum of not less than one hundred thousand dollars. The premium contract so held shall constitute a part of the assets of the company.

Company to file certified copy of charter and statement of financial condition.

SECTION 3. And every such company, association or partnership shall also file a certified copy of their charter, articles of incorporation, together with a statement, under the oath of the president or vice-president and secretary of the

company, for which he or they may act, stating the name of the company and place where located, a detailed statement of its assets, showing the number of policy holders, aggregate amount of premium contracts, the amount of cash on hand in bank or in the hands of agents, the amount of real estate and how the same is encumbered by mortgage, the number of shares of stock of every kind owned by the company, the par and market value of the same, amount loaned on bond and mortgage, the amount loaned on other securities, stating the kind and the amount loaned on each, and the estimated value of the whole amount of such securities, and other assets or property of the company; also stating the indebtedness of the company, the amount of losses adjusted and unpaid, the amount incurred and in process of adjustment, the amount resisted by the company as illegal and fraudulent, and all other claims existing against the company; and for a company organized under the laws of any other state, a copy of the last annual report, if any, made under any law of the state by which such company was incorporated; and no company shall be allowed to transact business in the state whose re-insurance reserve as required in this act is impaired to the extent of twenty per cent. thereof, while such deficiency shall continue. The commissioner of insurance, before issuing a license for any such company, shall either in person or by deputy, make an examination of the affairs and financial condition thereof, and if found to meet the conditions and requirements of law, shall issue such company a license to transact business in this state, provided no such company shall be licensed, unless it shall have paid all claims in full for the two years next preceding date of application. Nor shall it be lawful for any agent or agents to act for any company or companies referred to in this act, directly or indirectly, in taking risks or transacting the business of burglary and rob-

Commissioner of insurance to make examination of affairs and financial condition of company.

bery insurance, or the insuring of the safe shipping of money and securities by registered mail in this state, without procuring from the insurance commissioner a certificate of authority stating that such company has complied with all the requirements of this act which apply to such companies, and as to the companies organized under the laws of any other state, there shall be added the name of the attorney appointed to act for the company.

Business of company restricted. Reinsurance of fifty per cent compelled.

SECTION 4. Any company organized, admitted and licensed to transact business in this state under this act, shall confine its line of business to that stated in the first section of this act, and shall confine its business in this state to banks, bankers, loan companies and county treasurers, and shall not issue any policy or policies to any persons, firm or corporations in this state other than banks, bankers, loan companies and county treasurers. Every such company shall set aside a re-insurance reserve of fifty per cent. of its premium, whether collected in cash or represented by obligations of the policy holders, as written in its policies.

Liability of policy holders.

SECTION 5. Policy holders of any company organized and admitted to transact business in this state under this act, shall be held liable to pay the membership fee and premium on their insurance as paid, or contracted to be paid, at the time the policy is taken out, and shall not be held liable for any further or other assessments or claims on the part of the company or its policy holders. The membership fee and premium agreed upon, may be collected in cash at the time the policy is issued or evidenced by a written obligation of the policy holder as may be agreed upon by the company and the policy holder. Such payment or obligation shall be the limit of the liability of the policy holder to the company for premium on their insurance.

SECTION 6. It shall not be lawful for any insurance company, association or partnership, incorporated by or organized under the laws of

any other state of the United States, for any of the purposes specified in this act, directly or indirectly, to take risks or to transact any business of insurance in this state by any agent or agents in this state until it shall first appoint an attorney in this state, who shall be the insurance commissioner, on whom process of law can be served, and file in the office of the insurance commissioner a written instrument, duly signed and sealed, certifying such appointment, and any process issued by any court of record in this state, and served upon such attorney by the proper officer of the county in which such attorney may reside or be found, shall be deemed a sufficient service of the process upon said company; but service of process upon such company may also be made in any other manner provided by law.

Commissioner of insurance to be appointed attorney for service of process.

SECTION 7. The statement and evidences of membership assets and investments required by section three of this act shall be renewed from year to year in such manner and form as may be required by said insurance commissioner, with an additional statement of the amount of premiums received in this state during the preceding year, so long as such agency continues; and the said insurance commissioner, on being satisfied that the membership, assets securities and investments remain secure, as hereinbefore mentioned, shall furnish a renewal of the certificate as aforesaid, and such certificate shall expire on the first day of March of the ensuing year, unless sooner revoked or forfeited. Any violation of any of the provisions of this act, shall subject the party violating the same, to a penalty of not more than five hundred dollars.

Statement of condition to be filed annually. and commissioner to issue license, if satisfied with condition.

SECTION 8. All companies organized, authorized, admitted and licensed under this act, shall pay a filing fee of twenty-five dollars on filing their annual statement, and a tax of two per cent. on the gross premiums collected during the preceding year, from policy holders residing in Wisconsin, which shall be in lieu of all other taxes or fees.

License fee and tax on gross earnings.

SECTION 9. This act shall take effect and be in force, from and after its passage and publication.

Approved March 27, 1899.

No. 258, A.] [Published March 29, 1899.

CHAPTER 66.

AN ACT to authorize the maintenance of the waters of Spring lake in the town of Mukwonago, in county of Waukesha, to and at their natural flow and level.

Ch. 66
104 619

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Property owners authorized to fill ditches and outlets.

SECTION 1. It shall be, and it is hereby declared and made lawful, for the owners of lands adjoining Spring lake in the town of Mukwonago, in the county of Waukesha and state of Wisconsin, or any of such owners of lands, to restore the waters of said lake to the natural flow and line thereof, up to the meander line as indicated by the original government survey; and for that purpose to fill any ditch or outlet which has been dug or deepened since said original survey, made by the government of the United States, and by means of which, said waters have been reduced below the natural flow and line.

Draining of lake prohibited.

SECTION 2. It shall be and is hereby declared unlawful, for any person or party, by means of any ditch or in any manner or by any means to drain said lake or lower the water thereof, below the original natural flow and level.

SECTION 3. This act shall take effect and be in force, from and after its passage and publication.

Approved March 28, 1899.

No. 90, S.] [Published March 30, 1899.

CHAPTER 67.

AN ACT to amend section 4765 of the Wisconsin statutes of 1898, relating to the filing of certificates of criminal conviction.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

In courts other than circuit, vested with exclusive appellate jurisdiction, certificate to be filed with such court, record to be kept.

SECTION 1. Section 4765 of the Wisconsin statutes of 1898 is amended by adding thereto the following: and in counties having a court other than the circuit court vested with exclusive appelate criminal jurisdiction, such certificate shall be filed with the clerk of such court who shall make a short alphabetical record thereof so that said section when so amended shall read as follows: Section 4765. Within twenty days after such conviction the said justice shall cause such certificate to be filed in the office of the clerk of the circuit court of the county in which the conviction shall have been had, and in counties having a court other than the circuit court vested with exclusive appellate criminal jurisdiction such certificate shall be filed with the clerk of such court who shall make a short alphabetical record thereof.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 29, 1899.

No. 59, A.] [Published March 30, 1899.

CHAPTER 68.

AN ACT to appropriate money for the purchase of stationery for the use of the state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriations for years 1899 and 1900, and for legislative session in 1901.

SECTION 1. There is hereby appropriated out of any money in the general fund, not otherwise appropriated, the sum of eighty-five hundred dollars, for the purchase of stationery for the state officers and departments for the years 1899 and 1900, and for the legislative session of 1901, said sum being the amount estimated to be necessary for the purpose specified.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved March 30, 1899.

No. 291, S.] [Published March 30, 1899.

CHAPTER 69.

AN ACT to amend section 2023k, Wisconsin statutes of 1898, relating to the duties of the bank examiner.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Chief clerk empowered to make examinations.

SECTION 1. Section 2023k, is hereby amended by adding thereto the following: The chief clerk shall have power, under like conditions

and restrictions which are required of the bank examiner and his deputy, to make examinations of banks at such time as the clerical work in the office will permit, so that said section when so amended will read as follows: Section 2023k. He may, with the consent of the state treasurer and approval of the governor, appoint a chief clerk and a person as clerk and stenographer to assist in the discharge of the duties of his office. The chief clerk shall have power, under like conditions and restrictions which are required of the bank examiner and his deputy, to make examinations of banks at such time as the clerical work in the office will permit.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1899.

No. 89, A.] [Published March 30, 1899.

CHAPTER 70.

AN ACT to amend section 4372 of the Wisconsin statutes for 1898, relating to the punishment for mayhem.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 4372 of the Wisconsin statutes for 1898 is hereby amended by substituting for the word "five" in the sixth line thereof, the word "fifteen," and by substituting for the words "one thousand" in the seventh line thereof the words "five thousand," so that said

Increasing imprisonment and fine for punishment for offense.

section when so amended shall read as follows: Section 4372. Any person with malicious intent to maim or disfigure, who shall cut out or maim the tongue, put out or destroy an eye, cut or tear off an ear, cut, slit or mutilate the nose or lip, or cut or disable a limb or member of another person, and any person privy to such intent who shall be present aiding in the commission of such offense shall be punished by imprisonment in the state prison, not more than fifteen years nor less than one year, or by fine not exceeding five thousand dollars nor less than two hundred dollars.

Not retroactive.

SECTION 2. This act shall in no way affect offenses that have been committed before the passage and publication of this statute and any such offense that may have been committed shall be dealt with in compliance with the statute existing at the time of the commission of the offense.

SECTION 3. This act shall take effect and be in force, from and after its passage and publication.

Approved March 30, 1899.

No. 71, A.] [Published March 30, 1899.

CHAPTER 71.

AN ACT authorizing the commissioners of public lands to sell certain lands belonging to the state of Wisconsin.

Whereas chapter 375 of the general laws of 1895 authorized and directed one Colwert K. Pier to sell and dispose of certain state lands and whereas said Colwert K. Pier died without carrying out the provisions of said chapter 375 laws of 1895, and said lands being still unsold; now, therefore:

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Commissioners to appraise and sell lands as other public lands are disposed.

SECTION 1. The commissioners of public lands are hereby authorized, instructed and directed to sell the lands mentioned in chapter 375 general laws of 1895, and to carry out all the provisions of said chapter 375 laws of 1895 in all respects as though said commissioners of public lands had been originally named therein; providing said commissioners shall appraise and sell said lands pursuant to the statutes regulating the disposal of other public lands.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved March 30, 1899.

No. 261, A.] [Published March 30, 1899.

CHAPTER 72.

AN ACT to amend section 49 of the Wisconsin statutes for 1898, relating to elections.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

§1 C 72 '99
§1 C 386 '03

§1 C 72 '99
§1 C 404 '01

Ch. 72
1901, c 404

Ch. 72 § 1
1903 c 386

Ch. 72 § 1
See 05 c 424

Common council by resolution to fix time of opening and closing polls. Publication of resolution required.

SECTION 1. Section 49 of the Wisconsin statutes for 1898, is hereby amended by inserting after the word "sunrise" where it appears in the fourteenth line the words "cities of less than five thousand inhabitants may, by said resolution, open the polls not earlier than six o'clock in the morning and shall remain open not later than seven o'clock in the evening;" so that said section when so amended shall read as follows: Section 49. The polls at every election, in every city of five thousand inhabitants or over, shall be opened at six o'clock in the morning and be closed at seven o'clock in the evening of the same day. The polls of the election held in other cities, and in towns and villages, on the Tuesday next succeeding the first Monday in November, shall be opened at nine o'clock in the forenoon, or as soon thereafter as may be, and closed at sundown, provided that the common council of any city, containing less than five thousand inhabitants, the town board of any town or board of trustees of any village, may by resolution adopted and published in some newspaper in such city, town or village, or in case there be no newspaper published therein, then in some newspaper published in the county in which such city, town or village is located, at least ten days before the election, fix an earlier hour for the opening of the polls in such city, town or village, not earlier than sunrise; cities of less than five thousand inhabitants may, by said resolution, open the polls not earlier than

six o'clock in the morning and shall remain open not later than seven o'clock in the evening. Inspectors of election shall cause public proclamation to be made at the opening and closing of the polls.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved March 30, 1899.

No. 162, A.] [Published March 30, 1899.

CHAPTER 73.

AN ACT to amend section 604a, statutes of 1898, relating to trustees of county asylums for the chronic insane.

Ch. 73
See 05 c 130
See 05 c 141

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Trustees in certain counties, to be ex-officio superintendents of the poor, unless otherwise ordered.

SECTION 1. Section 604a of the statutes of 1898 is hereby amended by striking out of the second proviso thereof the words "that the county board of any county which supports its poor under the county system and elects three superintendents of the poor in the manner prescribed in this section may by resolution constitute such superintendents, trustees of its asylum," and by substituting for such words the following: "that in any county which maintains both a poor-house and a county asylum for the chronic insane the trustees of the latter shall be ex-officio superintendents of the poor unless the county board shall at an annual meeting, order otherwise; but the county board of any such county may appoint a superintendent or superintendents of the poor solely to have

charge of such poor persons as need relief outside the poor-house," so that said section, when so amended shall read as follows: Section 604a. Each county asylum shall be governed by a board of three trustees to be elected by the county board at its annual meeting. At the first election the trustees shall be elected for the terms of one, two and three years respectively, and thereafter one trustee shall be elected each year for a term of three years beginning on the first Monday in January following his election and continuing until his successor is elected and qualified. Vacancies occurring from any cause shall be filled by appointment by the chairman of the county board until the next annual meeting of such board and until the election and qualification of the successor of the appointee; the county board at such meeting shall elect a trustee for the remainder of the term and until his successor is elected and qualified. Each such trustee shall take and subscribe an oath or affirmation to support the constitution of the United States and the constitution of the state of Wisconsin and faithfully to discharge his duties to the best of his ability, which oath or affirmation shall be filed in the office of the county clerk. Such trustees shall receive the same compensation for their services as is allowed members of the county board; provided, that no member of any county board shall be eligible to election or appointment as such trustee nor shall he serve in that capacity; and provided further that in any county which maintains both a poor-house and a county asylum for the chronic insane the trustees of the latter shall be ex-officio superintendents of the poor unless the county board shall, at an annual meeting, order otherwise; but the county board of any such county may appoint a superintendent or superintendents of the poor solely to have charge of such poor persons as need relief outside the poor-house. The treasurer of the county shall be the treasurer of said asylum upon such con-

Election and terms of trustees. Duties and compensation of.

ditions as the county board may prescribe; and said board of trustees shall report to the county board as often as the latter may require and also annually to the state board of control a full and detailed statement of all receipts and expenditures on account thereof and all other facts concerning the management and administration of said asylum.

Election of trustees legalized.

SECTION 2. All elections of trustees of county asylums and of superintendents of the poor heretofore held are hereby legalized.

SECTION 3. This act shall take effect and be in force, from and after its passage and publication.

Approved March 30, 1899.

No. 199, S.] [Published March 31, 1899.

CHAPTER 74.*

Ch. 74
See 1899, c260
1901, c 166

Ch. 74
See 05 c 393

AN ACT to amend section 393 of the Wisconsin statutes of 1898 relating to the establishment and organization of the board of regents of normal schools.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Board to consist of ten members and one ex-officio member. Terms, vacancies, how filled.

SECTION 1. Amend section 393, of the Wisconsin statutes of 1898, by striking out all after the word "the" in the fifth line thereof and substituting the following, to-wit: "the state superintendent, as ex-officio regent, and of ten appointed regents. The term of office of the appointed regents, commencing with the first Monday of February in the year in which appointed, shall be five years and until the appointment and qualification of their respective successors; and they are now and shall continue divided in

*See chapter 260, laws of 1899.

five classes, so that the term of office of two regents shall expire each year; and not more than one such member of the board shall reside in any one congressional district. The governor shall fill all vacancies by appointment, but in case of a vacancy before the expiration of a term, the appointment shall be for the residue of the term only," so that the section when amended shall read as follows: section 393. For the government of the normal schools established, and which may hereafter be established, and for the performance of the duties prescribed to them, there is constituted a board of eleven regents, called "the board of regents of normal schools," composed of the state superintendent, as ex-officio regent, and of ten appointed regents. The term of office of the regents appointed, commencing with the first Monday of February in the year in which appointed, shall be five years and until the appointment and qualification of their respective successors; and they are now and shall continue divided into five classes, so that the term of office of two regents shall expire each year; and not more than one such member of the board shall reside in any one congressional district; provided, however, that where two normal schools are located in one congressional district there may be two regents in such district. The governor shall fill all vacancies by appointment, and in case of a vacancy before the expiration of a term, the appointment shall be for the residue of the term only.

Governor to reorganize board.

SECTION 2. Upon the passage and publication of this act the governor shall reorganize the board in accordance with section 1, of this act.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1899.

No. 135, S.] [Published March 31, 1899.

CHAPTER 75.

AN ACT to appropriate a sum of money to George F. Peabody by reason of invalidity of chapter 221, laws of 1895.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation for damages under illegal fish law.

SECTION 1. There is hereby appropriated to George F. Peabody, of Appleton, Wisconsin, the sum of four hundred sixteen dollars and eighty-four cents, to reimburse the said Peabody for a judgment obtained against him by C. W. Streckenbach & Co., of Green Bay, for fish belonging to the said Streckenbach & Co., seized by the said Peabody under the provisions of chapter 221, laws of 1895, which said chapter 221, laws of 1895, was afterwards held invalid by the supreme court of the state of Wisconsin.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1899.

No. 155, S.] [Published March 31, 1899.

CHAPTER 76.

AN ACT providing for the branding and sale of renovated butter.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Ch. 76 § 1 05 c 34

Renovated butter to be branded. Description of brand.

SECTION 1. No person by himself or agent shall sell, exchange or deliver, or expose for sale, or offer for sale renovated butter, or butter which has been melted and its rancidity removed or masked, and which has been regranulated, colored and prepared in imitation or in semblance of genuine creamery butter, unless the substance be marked distinctly on the outside of each and every package or parcel thereof by a label printed with the words "Renovated Butter," and without having on each and every open tub, package or parcel thereof a placard with the words "Renovated Butter," such placard or brand in each case to be printed in plain, uncondensed Gothic capitals not less than one inch long, and such placard shall contain no other words thereon.

Penalty for.

SECTION 2. Any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof, be fined not less than twenty-five nor more than one hundred dollars.

SECTION 3. This act shall take effect and be in force from and after the date of its passage and publication.

Approved March 30, 1899.

No. 54, S.] [Published March 31, 1899.

CHAPTER 77.

AN ACT requiring employers of females in any manufacturing, mechanical or mercantile establishment to furnish seats for the use of such females when not on active duty.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Employers to provide seats for females.

SECTION 1. Every person or corporation employing females in any manufacturing, mechanical or mercantile establishment in the state of Wisconsin shall provide suitable seats for the females so employed, and shall permit the use of such seats by them when they are not necessarily engaged in the active duties for which they are employed.

Penalty for failure to do so.

SECTION 2. Any person or corporation who shall violate the provisions of this act shall, upon conviction thereof, be considered guilty of a misdemeanor and shall be punished by a fine of not less than ten dollars, nor more than thirty dollars for each and every offence.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1899.

No. 46, S.] [Published March 31, 1899.

CHAPTER 78.

AN ACT authorizing the alteration and change of the boundaries of villages, incorporated under the general laws relating to incorporation of villages.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Boundaries, how changed.

SECTION 1. The boundaries of any village within the state, incorporated under the general law relating to incorporation of villages, may be altered of changed by annexing new contiguous territory, or by disconnecting territory within its limits, or by both annexing new contiguous territory and disconnecting territory within its limits upon compliance with the provisions of this chapter.

Limitations of territory and requirements as to number of inhabitants.

SECTION 2. The boundaries of no village shall be altered or changed unless such village shall, if the alteration or change of boundaries be made, contain within its limits an area as required by section 854 of the Wisconsin statutes of 1898, and unless the resident population then remaining in the whole village as altered or changed shall be equal to the number required by said section.

Alterations or change in boundaries, how accomplished.

SECTION 3. The person intending to make the application, as hereinafter provided for the alteration or change of the boundaries of such village shall cause to be made by a practical surveyor an accurate survey and map of the territory to be annexed or disconnected, and showing the course and distances of the boundaries and the quantity of land as will be contained in such village if such proposed alteration be made; the accuracy of both survey and map shall be verified by such surveyor's affidavit written thereon

or annexed thereto. They shall also cause to be taken an accurate census of the resident population of the territory to be contained in the village after the proposed change or alteration as it shall be on some day not more than ten weeks previous to the time of making such application, exhibiting the name of every head of a family and the name of every person a resident in good faith of such territory on such day, which shall be verified by the affidavit of the person taking the same affixed thereto.

Survey, map and census to be filed with clerk of village.

SECTION 4. Such survey, map and census, when completed and verified as aforesaid, shall be left with the clerk of said village, subject to the examination of every person interested, for a period of three weeks from the posting or first publication of the notice of such application as hereinafter provided.

Applicants for change to give notice. What to contain.

SECTION 5. The intending applicants shall give notice that they will apply on some day therein specified to the circuit court of the county in which such village or any part thereof lies for an order altering or changing the boundaries of such village; and such notice shall describe the territory to be annexed or disconnected, and shall describe the boundaries of such village, as they shall be after the proposed alteration, by courses and distances and state that such survey, maps and census have been left with the clerk of such village.

Notice to be printed.

SECTION 6. If there be a newspaper printed within such village, such notice shall be printed therein once in each week for four consecutive weeks previous to the time specified for making such application, and if there be no such newspaper such notice shall be posted in at least three conspicuous places in such village at least four weeks prior to the time specified in said notice.

Application, how made out.

SECTION 7. Such application shall be made by petition, subscribed by the applicant or applicants, who shall be either some officer or officers of said village acting under authority and

direction of the board of trustees of such village, or at least five tax-payers and residents of such village, and shall set forth a description of the territory to be annexed or disconnected, and shall also set forth the boundaries of the village as the same will be if the proposed change or alteration be made, with their courses and distances, the quantity of land therein embraced according to such survey, and the resident population therein contained according to such census; such survey, map and census and the affidavits verifying the same, and an affidavit that they were left with the clerk of the village as required herein, also a copy of the notice of application aforesaid, with an affidavit thereon or affixed thereto of the publication or posting of same as hereinbefore provided, shall be annexed to such petition, otherwise it shall not be acted on by the court; and it shall be presented at the time specified in the notice for presenting the same or as soon thereafter as the applicants can be conveniently heard in respect thereto.

Circuit court to hear all parties interested. Costs, how settled, if application is denied.

SECTION 8. The court shall hear all parties interested for or against such application who shall seasonably appear, may in its discretion adjourn such hearing from time to time, direct a re-survey to be made or another census taken by whomsoever it shall appoint, and refer any question for examination and report thereon, and if the court shall, after such hearing, deny such application, it may, in its discretion, by order, compel the applicants to pay such disbursements or any part thereof as shall have been incurred by the parties opposing the same.

If application is granted.

SECTION 9. If the court, after such hearing shall be satisfied of the correctness of any such survey or re-survey and census, that all the requirements of this act have been complied with, and that such village, after the proposed alteration or change, contains within its limit a population equal in number to that required by section 854 of the Wisconsin statutes of 1898, and that it contains an area as required by said sec-

tion, it shall make an order altering and changing the boundaries of such village as prayed for in said petition, said order shall describe the boundaries as altered and changed which shall be therein set forth by courses and distances; and if the court after such hearing shall be satisfied by affidavit or other due proofs that the board of trustees of such village has duly passed a resolution consenting to such proposed alteration or change and that all of the owners of property to be annexed, or disconnected, or annexed and disconnected, consent to such proposed alteration or change, the boundaries of such village shall be deemed altered and changed without any further acts, upon the recording of such order in the office of the register of deeds of the county in which said village may be located. But if no resolution shall have been passed by the board of trustees of such village consenting to such alteration or change or each owner of land to be annexed or disconnected shall not have consented to such alteration or change, then the order of the court shall direct a special election to be called by the trustees of such village as well as an election in such additional territory or disconnected territory by inspectors to be appointed by the court. If the majority of ballots in either the village or such territory shall have thereon the word "no" the alteration or change shall be void and no further action had under such application. But if the majority of the ballots in each be in the affirmative such boundaries shall be altered and changed from the time of recording such order of alteration or change with the register of deeds. The inspector of election on both the village and such territory shall make a similar statement to that required in section 865 of the Wisconsin statutes of 1898 and all proceedings shall be recorded as provided in said section 865. In all cases of an alteration or change of boundaries under the provisions of this act, like certificate and affidavit shall be filed in the office of the sec-

Board of trustees, duties of. Elections on question, how held.

retary of state as in the case of the incorporation of new villages.

SECTION 10. All acts and parts of acts in conflict with the provisions of this act are hereby modified, superseded or repealed to the extent that this act be carried into full force and effect.

SECTION 11. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1899.

No. 62, S.] [Published April 1, 1899.

CHAPTER 79.

AN ACT regulating the manufacture of cigars.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Shop on ground floor.

SECTION 1. No shop or place wherein cigars are manufactured shall be located below the ground floor.

Space allowed employes.

SECTION 2. Each employee in any shop or place wherein cigars are manufactured, shall, while actually employed, be allowed to use twenty square feet of surface space, unobstructed to the ceiling.

Requirements as to size of room.

SECTION 3. Every room wherein cigars are manufactured shall contain at least seven hundred cubic feet of air space. It shall in every part be not less than eight feet in height, from floor to ceiling, every window shall have not less than twelve square feet in superficial area, and the entire area of window surface shall not be less than twelve per cent. of the floor space of such room.

Ventilation of room.

SECTION 4. Every room in which cigars are manufactured while work is carried on shall be

so ventilated that the air shall not become impure and injurious to the health of the persons employed therein, and it shall wherever necessary, by the means of air shafts or other ventilation, be so changed as to render harmless all gases, dust and other impurities generated in the process of manufacturing cigars. All windows are to be kept open for thirty minutes before working hours and for thirty minutes after working hours.

Precautions as to cleanliness.

SECTION 5. Every such shop or place in which one or more persons are employed and every such factory in which five or more persons are employed, shall be kept clean. The dust must be removed from work tables and floors once every day, the floors scrubbed at least once a week and one cuspidor provided for every two employees.

Age of employes and hours of employment.

SECTION 6. No person under eighteen years of age shall be employed or permitted to work in a cigar shop or a cigar factory at manufacturing cigars for longer than eight hours a day or forty-eight hours a week.

SECTION 7. Where men and women are employed there shall be separate dressing rooms and water closets for the different sexes.

Penalties for violation of act.

SECTION 8. Any person violating any provision of this act shall be punished by fine not exceeding twenty-five dollars and no less than ten dollars for the first offense, and by fine not exceeding fifty dollars, and no less than twenty-five dollars for the second and each following offense.

Factory inspector to enforce provisions of act.

SECTION 9. The factory inspector shall have full power and it shall be his duty to enforce all the provisions of this act, but no prosecution shall be instituted for any violation of sections 2, 3 and 4 unless the employer or manufacturer, or the firm has been notified by a notice sent in a registered letter for at least four weeks prior to a prosecution, requiring the necessary changes in the factory or workshop, and such request has not been complied with.

SECTION 10. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

When act becomes effective.

SECTION 11. The provisions of this act shall take effect on and after the first day of July, 1900.

Approved March 30, 1899.

No. 120, S.] [Published April 1, 1899.

CHAPTER 80.

AN ACT to appropriate to J. H. Green, W. H. Flett and Henry Overbeck, Jr., a sum of money therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation of $200.

SECTION 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of two hundred dollars in all, to J. H. Green, W. H. Flett and Henry Overbeck, Jr.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1899.

No. 188, S.] [Published April 1, 1899.

CHAPTER 81.

AN ACT to authorize cities of the third and fourth class to levy a special tax for school purposes.

81 C 81 '99
81 C 387 '01

Ch. 81
1901, c 387

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All cities of the third and fourth class operating under a special or general charter are hereby authorized to levy annually a special tax for school purposes not exceeding one mill on the dollar of the assessed valuation of all the real and personal property in said city for that year in addition to the total tax now authorized to be levied by such cities.

Tax not exceeding one mill authorized.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1899.

No. 179, S.] [Published April 1, 1899.

CHAPTER 82.

AN ACT to amend section 1492f of the Wisconsin statutes of 1898, relating to the practice of veterinary medicine and surgery.

Ch. 82
109 574 576

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1492f of the Wisconsin statutes of 1898 is hereby amended by adding

Persons practicing veterinary medicine and surgery to register with register of deeds. Qualifications necessary, and punishment for failure to comply.

thereto the following words: any person who shall violate the provisions of this section shall be punished by a fine of not less than ten dollars nor more than twenty-five dollars or by imprisonment in the county jail not less than thirty nor more than ninety days or both. So that said section when so amended shall read as follows: Practitioners, who may be; record of. Section 1492f. No person shall practice veterinary medicine and surgery or any branch thereof in this state for compensation or shall directly or indirectly ask or receive for his services as a practitioner thereof any fee or reward, nor shall be competent to testify as an expert witness in any court in matters pertaining to the diseases of animals unless he be registered as a veterinary physician and surgeon by the register of deeds of the county in which he resides. No person shall be so registered unless he is a graduate of a legally incorporated school or college of veterinary medicine and surgery, or shall hold a certificate of qualification as a veterinary physician and surgeon from a legally incorporated veterinary society, or shall have practiced veterinary medicine and surgery in this state for a period of not less than five years continuously before the twenty-eighth day of April, one thousand eight hundred and eighty-seven. The register of deeds of each county shall provide a book to be known as the veterinary medical registry in which he shall record the name of the registrant, of the institution which granted his diploma or of the society which granted his certificate; or if the applicant for registration does not hold either, then he may be registered upon filing his affidavit stating that he has practiced veterinary medicine and surgery in this state for five years continuously prior to the date above given. Any person so registered and who shall pay to the register of deeds one dollar shall be entitled to continue the practice of veterinary medicine and surgery. Nothing in this section contained shall be construed to prohibit the rendition of

Register of deeds to provide a register.

services gratuitously in case of emergency or to prevent an authorized practitioner of an adjoining state from practicing in this state when his services are requested. Any person who shall violate the provisions of this section shall be punished by a fine of not less than ten dollars nor more than twenty-five dollars or by imprisonment in the county jail not less than thirty nor more than ninety days or both.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1899.

No. 32, S.] [Published April 1, 1899.

CHAPTER 83.

AN ACT to authorize the purchase of tools and machinery for making roads in certain cases, and to prescribe the manner of payment therefor, and the use and care of the same.

1899 c 83
111 470 474

1899 c 83
118 600 601

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Town board authorized to purchase road making machinery and materials.

SECTION 1. Subdivision No. 2 of section 1223 of the revised statutes is hereby amended by inserting in lieu of the word "procure" in the first line thereof, the word "purchase" and by inserting after the word "material" in the first line thereof, the words "on such terms as may seem proper" so that when so amended such subdivision shall read as follows: 2. To purchase machinery, implements, stone, gravel and other material on such terms as may seem proper, and hire such machinery, laborers and animals as may be required to make and repair highways and bridges; and for these purposes they shall have the power to purchase gravel pits and stone

quarries and take the title thereto in the name of the town; and if such pits and quarries cannot be purchased, title thereto may be acquired in the manner provided in section 1226b.

When town chairman may purchase said machinery and materials.

SECTION 2. After section 1223 of the revised statutes there shall be inserted the following section to be designated section 1223a. Section 1223a. In any town in which the whole or any part of the highway tax is paid in labor, the chairman of the town board thereof may, upon being petitioned in writing by a majority of the tax payers of one or more superintendent districts of such town, representing more than one-half of the taxable property in such district or in each of such districts (to be ascertained from the last preceding assessment roll, and certified to as such by the town clerk of such town) and by the superintendent or superintendents of highways of each such district contract for and purchase upon credit or otherwise, a road machine or wheeled scrapers, or both of them, for the use of such district or districts, which implements shall be used, owned and cared for by such district, or such districts jointly. Such implements shall be paid for out of the highway tax of the district or districts for which the same are purchased, and may be paid for in not to exceed five annual installments. If purchased for more than one district the amount paid by each shall be in proportion to the amount of highway tax paid by each. A copy of the note or contract issued upon such purchase shall be filed in the office of the town clerk in which such superintendent district or districts are situated, and it shall be the duty of such town clerk to present a statement of the sum due thereon to the town board at each regular meeting held thereafter for the audit of the town claims and charges, and the town board shall audit such sum. Not more than one-half of the highway tax of any district shall be applied to the payment therefor in any one year. The portion of such tax so applied shall be required to be paid in money and shall

How paid for.

be assessed and levied upon the property of such district or districts, and collected in the same manner as other town charges are assessed, levied and collected, except that the amount thereof shall be put into a separate column upon the tax roll and the town board shall cause the same so certified to by the town clerk to be levied upon the taxable property of such superintendent district or districts. The chairman of such town board shall, with the assistance of the superintendent of highways in any superintendent district which is to be charged with the payment of such machines after the completion of the assessment roll and ten days before the regular meeting of the town board for the levying of taxes, make and deliver to the supervisors of such town a list of all persons in such district or districts who are named in the last assessment roll as being liable to assessment for taxes to be levied for the payment of such implements. It shall be the duty of each town to provide suitable places for the storage and proper housing of all tools, implements and machinery owned by the town or by the districts therein, and to cause such tools, implements and machinery to be stored and housed therein at all times when not in use; and such tools, implements and machinery when purchased by a district or districts shall be under the care and control of the superintendents thereof, who shall take proper care thereof.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1899.

No. 222, S.] [Published April 1, 1899.

CHAPTER 84.

AN ACT to amend chapter 9, entitled, "The Police Court," of chapter 40a of Wisconsin statutes of 1898, of the organization and government of cities under general law.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Common council to fix fees of officers and magistrates in certain actions.

SECTION 1. Chapter 9, entitled "The Police Court," of chapter 40a of Wisconsin statutes of 1898, entitled "of the organization and government of cities under general law," is hereby amended by adding after section 925–62 thereof the following section: Section 925–62a. In cities of the second, third and fourth classes having no police court, the common council may fix and regulate from time to time the fees or compensation of officers and magistrates for services performed in all actions or prosecutions for any violation of the charter, ordinances or by-laws of the city and no greater fees or compensation than shall be so fixed shall be charged or recovered.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1899.

No. 204, S.] [Published April 1, 1899.

CHAPTER 85.

AN ACT to amend section 823 of the Wisconsin statutes of 1898 construing the rights of claimants against towns.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Claim may be allowed in part, without prejudice to claimant's right of action as to part disallowed.

SECTION 1. After the word "issued" in the eleventh line of section 823 Wisconsin statutes of 1898 insert the following sentence: Any person whose claim has been allowed in part may receive the order drawn for the part so allowed without prejudice to his right of action against such town as to the part disallowed, so that when so amended it shall read as follows: Section 823. The amount of any account audited and allowed by the town board shall be paid by the town treasurer on the order of the board signed by the chairman and countersigned by the clerk, and all orders issued to any person or persons by the town board for any sum due from such town shall be receivable in payment of town taxes in said town. But no order shall be signed or issued for the disbursement of any money of such town until the tax for the payment of such order shall have been voted by the electors of such town or until the town board shall have authorized the issue of such order; and no town board shall authorize the issue of any order in a sum exceeding the amount which the town is authorized to appropriate for the purpose for which such order is issued. Any person whose claim has been allowed in part may receive the order drawn for the part so allowed without prejudice to his right of action against such town, as to the part disallowed. Every supervisor, chairman or

clerk violating the provisions of this section shall forfeit not less than twenty-five nor more than one hundred dollars.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1899.

No. 113, A.] [Published April 1, 1899.

CHAPTER 86.

AN ACT to amend section 783 of Wisconsin statutes of 1898, relating to town boards.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Place where meeting of town board may be held, and manner of determining same.

SECTION 1. Section 783 of Wisconsin statutes of 1898 is hereby amended by adding thereto and immediately after the last word of said section the following:—The meeting of any town board of supervisors for auditing accounts, equalizing taxes, and other legal meetings of said board, may be held at and in any incorporated village or city in this state, which is within or adjoining the town of which said supervisors constitute the town board, so that said section when amended shall read as follows: Section 783. The annual town meetings in each town shall be held at the place where the last town meeting was held, or at such other place therein or in a city or incorporated village within or adjoining the town as shall have been ordered at a previous meeting, or when there has been no such previous meeting at such place as shall be directed in the act or proceedings by which the town was organized. When twelve electors shall file with the town

clerk at least four and not more than six weeks before any annual town meeting their written request that the place of holding such meeting be decided by ballot, he shall within one week after the filing of such request post notices in at least four public places in said town stating that the place of holding the annual town meeting will be decided by ballot at the town meeting then next to be held. Each elector may vote a ballot designating thereon a building or public hall within said town or such city or village, which ballots at the close of the polls shall be canvassed and the result certified and recorded. The place receiving the largest number of ballots shall be established as the place of holding the annual town meeting thereafter until otherwise ordered. In towns which are divided into election districts the annual meeting shall be held, until the electors otherwise determine, in the district designated as the first election district; provided, that in counties having a population of two hundred thousand inhabitants or over, according to the last census, votes for town and judicial officers shall be cast at the polling booths in the election district where the voter resides in the manner provided for general elections. The meeting of any town board of supervisors for auditing accounts, equalizing taxes, and other legal meetings of said board, may be held at and in any incorporated village or city in this state, which is within or adjoining the town of which said supervisors constitute the town board.

Where towns are divided into election districts.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved March 30, 1899.

No. 192, A.] [Published April 1, 1899.

Ch. 87
See 1903 c 426

CHAPTER 87.

Ch. 87
114 2

AN ACT to provide for the registration of all persons now engaged in the practice of medicine and surgery in the state of Wisconsin, who were engaged in such practice on or before the first day of July, 1897.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Physicians and surgeons to register with Wis. board of medical examiners.

SECTION 1. The Wisconsin board of medical examiners in addition to the powers conferred by chapter 264 of the laws of 1897, and acts amendatory thereto shall upon application and payment of the registration fee hereinafter required, duly register and grant authenticated certificates of registration to every reputable resident physician or surgeon of good moral character who was on the first day of July 1897 in the actual practice of medicine or surgery in the state of Wisconsin. The secretary of said board shall keep books of registration in which shall be entered the names and addresses of all persons registered under the provisions of this act, together with the reasons justifying such registration, such books to be prima facie evidence of all matters required to be kept therein.

When registration must be made and fee for same.

SECTION 2. Every person practicing medicine or surgery within this state who is not now licensed and registered with said board, shall within one year from the passage and publication of this act apply for registration therewith, either in person at any quarterly meeting of said board, or by sending by mail or by express at any other time to the secretary of said board, his or her diploma or other credential or evidence of qualification. Every person so applying for registration shall pay to the board a fee of two dol-

lars at the time of making the application, such fee to be applied toward defraying the expenses of the board and no certificate of registration shall issue until such fee has first been paid. Each applicant upon having procured such certificate shall forthwith and within one year from the enactment of this law, record the said certificate in the office of the county clerk of the county in which he resides and any such registered physician or surgeon who shall thereafter remove to any county in this state other than that in which his certificate is recorded shall immediately record the same in the county also to which he removes.

Certificate of registration to be filed with county clerk.

SECTION 3. The provisions of this act shall not apply to commissioned surgeons of the United States army, navy, or marine hospital service, to physicians or surgeons in actual consultation from other states or territories, or to medical students practicing under the direct supervision of a preceptor, nor in any way conflict with the present statutory laws governing the practice of medicine and surgery in the state of Wisconsin.

United States army and navy surgeons exempt.

SECTION 4. Every person hereafter practicing medicine or surgery within this state, who was engaged in such practice on said first day of July 1897, shall be required to register with the said board according to the terms of this act, and any person who shall, after the expiration of one year immediately following the passage and publication of this act, attempt to so practice without having first obtained and recorded a certificate of registration as herein required or who not having obtained and recorded such certificate shall advertise or hold himself out to the public as a physician or surgeon or specialist in medicine or surgery or who shall use the title of "doctor," or append to his name the letters "M. D.," or "M. B.," meaning thereby Doctor of Medicine or Bachelor of Medicine, shall be deemed to be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less

Penalty for practicing without obtaining and filing certificate.

Ch. 87, § 4
114 2

than fifty dollars nor more than one hundred dollars for each such offense, or by imprisonment in the county jail for not less than one month nor more than three months or by both such fine and imprisonment.

Disposition of fees received for filing.

SECTION 5. All money received by the said board in payment of the registration fees herein required shall be kept by the treasurer thereof. Out of the funds so coming into their possession, the members of said board may receive all legitimate and necessary expenses, and for their services a sum to be determined by the board not exceeding five dollars each for each day actually spent in attending to the business of the board. The secretary of said board shall receive, in addition to his present salary, a compensation for the work herein required of him to be fixed by said board, not to exceed five hundred dollars, such compensations and expenses shall be paid from the fees received by the board and no part thereof shall be paid out of the state treasury. It shall be the duty of said board to make a report of their proceedings under this act to the governor at the end of each biennial period, together with an account of all moneys received and disbursed by them.

Penalty for fraudulent representation.

SECTION 6. Any person who shall wilfully make a fraudulent statement or representation to procure registration for himself or for any other person under the provisions of this act, or who shall violate any such provisions for which a specific penalty or forfeiture is not provided shall for each and every such offense forfeit the sum of fifty dollars.

District attorneys and board to institute actions.

SECTION 7. Actions for the recovery of the forfeitures or penalties imposed by this act may be instituted by any member of said board and the members thereof are specially directed to institute such actions. It shall be the duty of the district attorney of the county wherein such forfeiture or penalty was incurred to prosecute all persons incurring any forfeiture or penalty under the provisions of this act upon receiving

notice from said board or any officer or agent thereof, or from any other source.

SECTION 8. This act shall take effect and be in force, from and after its passage and publication.

Approved March 30, 1899.

No. 429, A.] [Published April 1, 1899.

CHAPTER 88.

AN ACT to appropriate a sum of money to pay the funeral expenses of Assemblyman William Hughes and Assemblyman Albert Woyciechowski.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated to James H. Agen, sergeant- at- arms of the assembly, out of any moneys in the state treasury not otherwise appropriated, the sum of four hundred and seventy-nine dollars for expenses incurred in the funerals of the late William Hughes and Albert Woyciechowski, members of the assembly. Appropriation of $479.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved March 30, 1899.

No. 125, S.] [Published April 1, 1899.

CHAPTER 89.

Ch 89
See 05 c 43

AN ACT to amend section 931 Wisconsin statutes of 1898, relating to libraries.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Common council may authorize board of education to expend library tax.

Ch. 89
See 1901 c 203

SECTION 1. Section 931 of the Wisconsin statutes of 1898 is hereby amended by adding at the end of said section the following: provided, that in lieu of supporting and maintaining such a public library and reading room the common council of every city of the classes named, having a board of education, may, when deemed best for the interests of the city, levy such tax and authorize the board of education of such city to apply and expend the same in aid of the maintenance of any secular or non-sectarian public library and reading room free to all inhabitants of such city, already established and maintained therein by any society, association or corporation, and the city treasurer shall pay on the order of such board of education to such society, association or corporation, the money so raised for such aid out of such library tax fund.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1899.

No. 186, S.] [Published April 1, 1899.

CHAPTER 90.

AN ACT to create a special fund for the re-equipment of the Wisconsin National Guard and make an appropriation therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Money expended in Spanish-American war to be used for equipment purposes.

SECTION 1. All moneys hereafter received by the state of Wisconsin from the United States in payment of the claim of the state of Wisconsin against the United States for quartermaster's stores and supplies, ordnance and ordnance stores and supplies, and for equipment of whatever character, furnished by the state of Wisconsin for the use of the Wisconsin Volunteers in the service of the United States in the year 1898, during the Spanish-American war, shall be and are hereby set aside and constituted a special and separate fund to be used, at the discretion of the governor, only in the re-equipment of the Wisconsin National Guard.

§1 C 90 '99
§1 C 62 '01

Ch. 90
1901, c 62

SECTION 2. Disbursements from said fund shall only be made for the purposes designated in this act and payments shall be made only on vouchers audited by the quartermaster general and approved by the governor.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1899.

No. 296, S.] [Published April 1, 1899.

CHAPTER 91.

AN ACT to amend section 1546, Wisconsin statutes of 1898, relating to punishment of vagrants.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1546, Wisconsin statutes of 1898, is hereby amended by striking out the words, "or if in the opinion of the justice the defendant is a proper subject for such relief he shall commit him to the county or town poor house, as the case may be, there to be kept at hard labor for a term not exceeding six months," so that said section, when amended, shall read as follows: Section 1546. If it appears from the confession of the defendant, the finding of the justice or the verdict of the jury that the defendant is a vagrant within the meaning of this chapter such justice shall render judgment accordingly and sentence such person, if a child over ten and under fourteen years of age and of a suitable condition to be received into the state public school, to such school, unless the parent or guardian thereof shall express a preference for some industrial school organized or existing under chapter 86, in which case such child, if a female under sixteen years of age, shall be sent to such school; if a male child between the ages of ten and fourteen and not of suitable condition to be received into the state public school, or between the ages of fourteen and sixteen, to the state industrial school for boys, and if a male child of any age not more than ten years and not of such condition, then to some industrial school organized or existing as aforesaid; in each of which cases such child shall be committed until it arrives at the

When to be sent to industrial schools.

age of twenty-one years or is sooner discharged pursuant to the laws regulating the school where sent. In all other cases the person so convicted may be punished by imprisonment in the county jail not exceeding ninety days. Any sheriff or constable of the county may execute any warrant of commitment issued pursuant to any such judgment; any person convicted hereunder may appeal as from other convictions before justices of the peace.

SECTION 2. All acts or parts of acts conflicting with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1899.

No. 95, A.] [Published April 1, 1899.

CHAPTER 92.

AN ACT to pay a sum of money therein named, to Albert Kalmbach, by reason of the unlawful confiscation of a shipment of fish by the state game warden or his deputies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There shall be paid by the treasurer of the state of Wisconsin, from any public moneys not otherwise appropriated, to Albert Kalmbach the sum of seventy dollars, which amount is due the said Albert Kalmbach from the state, by reason of the unlawful confiscation of his property by the state game warden or his deputies, on or about the eighteenth day of October, 1897. Appropriation of $70.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved March 30, 1899.

No. 387, A.] [Published April 1, 1899.

CHAPTER 93.

AN ACT to appropriate a certain sum of money therein named, for the erection of a suitable monument for Ex-Governor, Nelson Dewey of this state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Ch. 93 § 1
05 c 370

Appropriation of $5,000.

SECTION 1. There is hereby appropriated a sum of money, not exceeding five thousand dollars, from the general fund for the erection of a suitable monument at the grave of Ex-Governor Nelson Dewey in the city of Lancaster, Grant county, Wisconsin.

Commission to expend same.

SECTION 2. There is also hereby created, a commission to supervise the expenditure of the money hereby appropriated, said commission to consist of the governor, Senator Charles H. Baxter and Assemblyman Thomas McDonald. This commission shall receive no salary but all necessary expenditures to carry out the purpose of the commission shall be taken out of the sum appropriated, and all moneys remaining unexpended after the completion and erection of the monument, shall be covered back into the treasury.

SECTION 3. This act shall take effect and be in force, from and after its passage and publication.

Approved March 30, 1899.

No. 483, A.] [Published April 1, 1899.

CHAPTER 94.

AN ACT to provide for the redemption of land sold for taxes in cities, and to fix the rate of interest to be paid for such redemption.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The owner or occupant of any land sold for city taxes by the city treasurer of any city in this state, or any other person, may at any time within three years from the date of the certificate of sale, redeem the same, or any undivided interest therein, by paying to the city treasurer of the city where such land was sold, for the use of the purchaser, his heirs or assigns, the amount for which such land was sold, and all subsequent charges thereon authorized by law, or such portion thereof as the interest redeemed shall amount to, with interest on the amount of the purchase money at the rate of fifteen per centum. per annum. from the date of such certificate, and all other taxes and charges thereon imposed subsequent to such sale and paid by such purchaser, or his assigns prior to such redemption, with interest thereon at the rate of fifteen per centum. per annum.; and whenever any land sold for such city taxes shall be redeemed within six months after the sale thereof, interest as aforesaid shall be paid for six months; and in all cases any such person may in like manner, redeem any such lands, or undivided interest therein at any time before the tax deed executed upon such sale is recorded; but when so redeemed such deed shall be void.

May redeem in three years from date of certificate, with fifteen per cent. interest, and six months from date of sale.

SECTION 2. All acts or parts of acts, including the provisions of any city charter, which are contrary to the provisions of this act, are hereby repealed.

SECTION 3. This act shall take effect and be in force, from and after its passage and publication.

Approved March 30, 1899.

No. 88, S.] [Published April 1, 1899.

CHAPTER 95.

AN ACT relating to property exempt from taxation, and amendatory of section 1038 of the statutes of 1898.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Relating to private institutions for insane.

SECTION 1. Sub-division 20 of section 1038 of the statutes of 1898 is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1899.

No. 507, A.] [Published April 1, 1899.

CHAPTER 96.

AN ACT to amend chapter 5 section 21 of the revised statutes of the state of Wisconsin relating to county clerk's notice.

§1 C 96 '99
§1 C 408 '03

Ch. 96
See 05 c 342

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Notice of election to be published weekly until election.

Ch. 96 § 1
1903 c 408

SECTION 1. Section 21 of chapter 5 of the revised statutes of the state of Wisconsin is hereby amended by inserting after the word "therein" in the fifth line the words "once each week until election" so that said section as amended shall read as follows: Section 21. The county clerk shall thereupon forthwith cause a notice containing so much of the notice so received by him as relates to the questions and officers to be voted for in his county, together with a statement of the several county officers to be elected by the voters of his county, to be published in at least one newspaper published therein, once each week until election, and transmitted by mail to each town clerk, the clerk of each village in which the next ensuing general election will be held, and to one of the inspectors of election in each election district in every city of his county. Whenever the office of the county clerk is vacant, and there shall be no person authorized to perform his duties, the sheriff shall make out and so transmit such notices.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved March 30, 1899.

No. 39, S.] [Published April 1, 1899.

CHAPTER 97.

Ch. 97
See 1903, c 10

AN ACT to amend sections 808 and 845 of chapter 39 of the Wisconsin statutes of 1898, entitled, "Of town officers."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Town officers to be elected. Terms of, in certain counties.

SECTION 1. Section 808, of the Wisconsin statutes, is hereby amended so as to read as follows: Section 808. At the annual town meeting there shall be elected in each town the following officers, viz.: three supervisors, one of whom shall be designated on the ballots as chairman, a town clerk, a treasurer, an assessor (either two or three, if the town board at their last meeting before such election shall have so ordered), so many justices of the peace as are required by law to be elected at such meeting, so many constables, not exceeding three, as shall be ordered by the meeting, and a librarian, if a town library have been established; provided that in all counties which contain a population of not less than one hundred thousand, such election shall be held biennially in the even-numbered years, and such officers shall hold office for two years. No person except an elector of the town shall hold any town office, and no person shall hold the offices of treasurer and assessor at the same time.

Terms of justices of peace. Vacancies, how filled.

SECTION 2. Section 845, of the Wisconsin statutes, is hereby amended so as to read as follows: section 845. There shall be four justices of the peace in each town, of whom two shall be elected at each annual town meeting. Their term of office shall be two years from the first Monday of May next following such town meeting, provided that in all counties which contain a population of not less than one hundred thous-

and no justices of the peace shall be elected in the odd-numbered years, except to fill vacancies, and that in the even-numbered years four justices of the peace shall be elected for the term of two years. Every vacancy shall be filled at the annual town meeting next ensuing, unless a special election shall have been held, and when so elected such justices shall hold only for the residue of the unexpired term. When a vacancy shall occur, or when any justice shall, from any cause, become permanently unable to perform his official duties, the town board may appoint temporarily a suitable person to such office, to hold until it shall be filled by election and until their successors are elected and qualified.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1899.

No. 501, A.] [Published April 1, 1899.

CHAPTER 98.

AN ACT to amend section 1694 of the Wisconsin statutes of 1898, relating to voluntary assignments.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1694 of the revised statutes of Wisconsin, is hereby amended by striking out the words "the whole amount of the nominal" in the twelfth and thirteenth lines of said section and inserting in their place the words "the present." Amount of bond.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved March 30, 1899.

No. 488, A.] [Published April 1, 1899.

CHAPTER 99.

AN ACT to amend section 4580 of the Wisconsin statutes of 1898, relating to fornication.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Penalty for.

Ch. 99
106 346

SECTION 1. Section 4580 of the Wisconsin statutes of 1898, is hereby amended by striking out the word "fourteen" where it occurs in the fifth line of said section and by inserting in lieu thereof the word "eighteen," so that said section when so amended shall read as follows: Section 4580. Any man who commits fornication with a sane single female, over the age of fourteen years, each of them shall be punished by imprisonment in the county jail, not more than six months or by a fine not exceeding onehundred dollars. Any man who commits fornication with a sane female of previous chaste character under the age of eighteen years, shall be punished by imprisonment in the state prison, not more than four years or by fine not exceeding five hundred dollars, or by both fine and imprisonment. Any man who commits fornication with any female who is idiotic, insane or imbecile, shall be punished by imprisonment in the state prison, not more than fifteen years, nor less than five years.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved March 30, 1899.

No. 83, S.] [Published April 1, 1899.

CHAPTER 100.

AN ACT in relation to corporations and to amend chapter 86 of the statutes of 1898.

Ch. 100
05 c 12

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Stock of corporation when held by another, how voted.

SECTION 1. Chapter 86 of the statutes of 1898 is hereby amended by adding a new section to be numbered and to read as follows: Section 1776a. In all cases in which one corporation shall hold stock in another, such stock shall, at all meetings of the stockholders of the latter corporation be voted by the president of the former, unless its board of directors, by resolution adopted at any regular or special meeting of such board, designate some other officer or officers for that purpose; and any one or more officers of the former corporation may be chosen, qualify and act as directors and officers of the latter corporation as in the case of other stockholders.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1899.

No. 453, A.] [Published April 1, 1899.

1899 c 101
119 318

CHAPTER 101.

AN ACT to amend section 1955c under sub-head "beneficiary" of chapter 89 of the Wisconsin statutes of 1898.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Policy holder may change beneficiary without consent of latter.

SECTION 1. Section 1955c of chapter 89 of the Wisconsin statutes of 1898, is hereby repealed, and the following substituted in place thereof: Beneficiary. Section 1955c. Any member of such society, order or association may name as his beneficiary any person or persons designated by the laws of such society, order or association or if the laws thereof permit, his insurance may be made payable to his estate. Any member may change the beneficiary named in his certificate or policy without the consent of such beneficiary, by complying with the by-laws of the society, order or association which issued the same.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved March 30, 1899.

No. 82, A.] [Published April 1, 1899.

CHAPTER 102.

AN ACT to provide for the acquisition by the state of Wisconsin, of the title to certain lands herein described; to appropriate the same to public use as an interstate park, and to make an appropriation to pay the owners thereof such compensation as may be awarded them under the provisions of chapter 315 of the laws of Wisconsin, for the year 1895, or of this act.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Territory to be acquired for park purposes.

C 102 See C 305 '01

Ch. 102, § 1 See 1901 c 305.

SECTION 1. That the provisions of section 1, of chapter 315, of the laws of Wisconsin for 1895, be and are hereby extended and applied to all the lands hereinafter described, viz.: all those portions of sections twenty-five, thirty-five, and thirty-six, in township thirty-four north, of range nineteen west, lying on the east side of the St. Croix river; also the following described parcels of land in section thirty-one of township thirty-four north, of range eighteen west, viz.: the west half of the northwest quarter of said section thirty-one; twenty-two acres, more or less, of the northeast quarter of the northwest quarter (being the unimproved portion of said forty acres) of said section thirty-one; also government lot No. four of section thirty, of township thirty-four north, of range eighteen west, containing, according to the government survey, twenty-four and seventy-six hundredths acres more or less; also all unplatted lands lying between the north line of the said government lot No. four and the platted portion of the village of St. Croix, Polk county, Wisconsin, according to the plat of said village on file and of record in the office of the register of deeds in and for said Polk county Wisconsin; also all that part of the

southeast quarter of the southwest quarter of said section thirty as lies between the platted portion of said village of St. Croix and said government lot No. four in said section thirty; also the following described lots and lands lying within the platted portion of said village of St. Croix, viz.: all of blocks eight and twelve with the streets adjacent thereto on the north, in Hungerford's addition to said village of St. Croix, according to the recorded plat thereof; also lots eight, nine, seventeen and eighteen in block four in said Hungerford's addition to the village of St. Croix; also blocks five, six, seven in said village of St. Croix, with the streets adjacent thereto on the north and east; also all of blocks eight, nine and ten, with the streets adjacent thereto on the north and east, and lots one, two, three, four, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, and twenty-two, of block eleven in said village of St. Croix; with the street adjacent thereto on the north, and that portion of River street in said village as lies between the south line of said block eleven, and the north line of block five in said village of St. Croix; also all of block eighteen in said village of St. Croix with the street adjacent thereto on the north; also all of blocks nineteen and twenty with the streets adjacent thereto on the north and east; also all of block twenty-one with the street adjacent thereto on the east, in the said village of St. Croix; also all of block twenty-two in said village of St. Croix, with the street adjacent thereto on the north; also lots eight, nine, ten, eleven, twelve, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three and twenty-four of block twenty-nine in said village of St. Croix; also all that portion of the riparian reservation along the banks of the St. Croix river, in said village, according to the official plat of said village of St. Croix, as lies between blocks seven, eight, twenty, and twenty-one, and the streets between said blocks, and the

St. Croix river as the above described lots and lands are designated and indicated upon the plat of the same on file with the secretary of state. Also all islands in the St. Croix river adjacent to or lying between, any of the above described lands and the St. Croix river, which lie within the state of Wisconsin. All of the above lands being those shown and designated on a plat filed in the office of the secretary of state, and entitled, "plat of lands proposed to be taken by the state of Wisconsin for an interstate park, at the Dalles of St. Croix," and the governor of the state of Wisconsin is hereby authorized, empowered and directed to acquire the title to all the foregoing lots and lands for public use as an interstate park, under and in pursuance of the provisions of chapter 315 of the laws of the state of Wisconsin for the year 1895, and under the provisions of this act.

Appropriation to purchase park and maintain same.

SECTION 2. To enable the governor to carry into effect the provisions of the act of April 19, 1895 and of this act, there is hereby appropriated out of the money in the treasury, not otherwise appropriated, the sum of sixty-five hundred dollars. No payment shall be made from this fund until the commission appointed by the governor to determine what compensation the owners of private property shall receive for their lands and property thus appropriated to public use, have made and filed their final report with the governor and secretary of state, and the same has been approved by the governor of the state: and any remainder of said sixty-five hundred dollars shall be available for the general purposes and care of the park; the same to be expended by said commission under the direction and approval of the governor.

Governor or commissioners to co-operate with governor of Minnesota, to determine on improvements.

SECTION 3. When the title to the foregoing lands have been acquired by and vested in the state of Wisconsin the governor from thenceforth shall be, and hereby is authorized and empowered to co-operate with the governor of the state of Minnesota and either personally or by a joint commission, determine the character and

extent of improvements to be made for park purposes, and when and how the same shall be made, and take such other steps in relation thereto, as in his judgment shall most promote the public welfare.

Term and power of commission.

SECTION 4. Any commission appointed by the governor under this act, shall proceed as provided by section 2, of the said act of 1895, during the years 1899 and 1900, and in addition thereto shall have power to determine the damages resulting to each owner of land and property included in the foregoing description, and upon the filing of their report with the secretary of state, and the payment by the governor of the damages awarded, the title of said lands shall vest in the state of Wisconsin without any other act or ceremony whatever.

Compensation of commissioners.

SECTION 5. The compensation of each commissioner appointed under this act, shall be three dollars a day for the time he actually serves upon said commission, and for a period not exceeding twenty days in any one year.

Powers.

SECTION 6. The commissioners appointed under this act, shall have power to administer oaths, and summon and examine witnesses.

Name of park.

SECTION 7. The name of the park shall be "The Interstate Park of the Dalles of the St. Croix," and the commission appointed by the governor shall have the regular care and supervision thereof, under such rules and regulations as the governor may prescribe.

Penalty for defacing park scenes or park property.

SECTION 8. After the state has acquired possession of said lots and lands, any person who shall wilfully cut, destroy or mutilate, or shall cause to be wilfully cut, destroyed or mutilated, any tree, timber or evergreen shrub or other shrubbery in said park, or who shall deface, injure or break any bridge, stairs, walk, structure or improvement, or misplace, disturb or paint any name or names, picture or pictures, upon any rocks, boulders or other material, or post any bill or bills, advertisements, or who shall throw or deposit or cause to be thrown or depos-

ited, any stick or sticks, stone or stones, earth or other debris into what is known as the natural wells within said park, or who shall in any other manner than with hook and line, take any fish from the waters of said park, shall be guilty of a misdemeanor, and shall upon conviction, be punished by a fine of not less than five dollars nor more than twenty-five dollars for the first offense; for the second offense, by a fine of not less than twenty-five dollars, nor more than fifty dollars; and for the third offense or further offenses, shall be fined in a sum not exceeding seventy-five dollars and imprisonment not less than ten, nor more than ninety days in the common jail of the county where the offense is committed. Upon all convictions under this section, all costs of the prosecution shall be added to the fine imposed by the court. All persons charged with the commission of offense as hereinbefore provided, shall be tried under the general laws of the state, applicable to the trial of criminal actions in like cases.

Governor may receive gifts of land.

SECTION 9. The governor shall be authorized and empowered to receive gifts of any of said lots or parcels of land described herein or adjacent or near the above described land in the name and for the state of Wisconsin; and said land when acquired shall be a part of said park subject to and governed by the laws relating thereto.

SECTION 10. This act shall take effect and be in force, from and after its passage and publication.

Approved March 30, 1899.

No. 439, A.] [Published April 1, 1899.

CHAPTER 103.

AN ACT to authorize the towns of Taycheedah and Fond du Lac, in the county of Fond du Lac, to purchase or condemn toll roads therein.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Toll roads, how acquired.

SECTION 1. The town board of supervisors of the towns of Taycheedah and Fond du Lac, in the county of Fond du Lac, are hereby authorized or empowered to enter into negotiations with the owner or owners of any toll road or roads, located in whole or in part in said towns, or either of them, for the purchase of such roads. Such negotiations and agreements to be subject to the approval by each of said towns at the annual town meeting. In case it is impossible for said town boards, or either of them, to come to a satisfactory agreement with the owner or owners of any such toll road or roads, said towns, at the annual town meeting, are hereby authorized to direct said town board of supervisors to institute proceedings in the circuit court for Fond du Lac county for the condemnation of such toll road or roads in the same manner as lands are condemned for the opening and extending of highways.

Tax to pay for roads may be levied.

SECTION 2. The towns of Taycheedah and Fond du Lac aforesaid, are hereby authorized in case no agreement for the purchase of any such road or roads is made and accepted or in case of the condemnation of any such road or roads, to levy a tax on the taxable property within said towns, sufficient to pay for said road or roads so purchased or condemned; such tax may be levied in amounts sufficient to pay for so much of said purchase price as may be agreed upon in

any one year, or for so much of any such toll road as may be taken and condemned in any one year.

SECTION 3. This act shall take effect and be in force, from and after its passage and publication.

Approved March 30, 1899.

No. 230, A.] [Published April 1, 1899.

CHAPTER 104.

AN ACT to amend chapter 27 of the Wisconsin statutes of 1898, relating to common schools.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Powers of school superintendent in granting certificates.

SECTION 1. Chapter 27 of the revised statutes of 1898, relating to common schools, is hereby amended by the insertion of the following section, which shall be numbered and designated as section 452b, viz. Any school superintendent or officer authorized to grant certificates to teachers in the common schools, is hereby authorized, in his discretion, to accept standings obtained by the completion of studies in any normal school of the state, when duly certified by the president of said normal school, in lieu of actual examination by said superintendent or examiner, at any time within three years after such standings were first obtained and recorded in said normal school. The provisions of this section shall apply to certificates of the first, second or third grades.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved March 30, 1899.

No. 347, A.] [Published April 1, 1899.

CHAPTER 105.

AN ACT to repeal certain sections of the statutes of 1898 relating to the formation of hail insurance corporations.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Relating to hail insurance companies.

SECTION 1. Section 1956 to 1966 inclusive, of the statutes of 1898 are hereby repealed.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved March 30, 1899.

No. 460, A.] [Published March 31, 1899.

CHAPTER 106.

AN ACT to organize and define the boundaries of the town of Dunbar, in the county of Marinette.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Description of town and name.

SECTION 1. That the territory embraced in the following surveyed townships, viz.: township thirty-six north, of range seventeen east; township thirty-six north, of range eighteen east; township thirty-six north, of range nineteen east; township thirty-seven north, of range seventeen east; township thirty-seven north, of range eighteen east and township

thirty-seven north, of range nineteen east, in the county of Marinette, is hereby organized into a town to be known and designated as the town of Dunbar.

SECTION 2. The qualified electors of the town of Dunbar shall meet at the school house in the unincorporated village of Dunbar, in said town, on the first Tuesday of April next, and shall elect the various town officers as is now prescribed by law. Election, when held.

SECTION 3. After the first town meeting shall have been held in said town of Dunbar, as provided by law, and the officers that may be elected thereat shall have duly qualified, said town shall be deemed to be duly organized and shall possess all the rights and privileges of other towns of this state. Town to possess all powers, when.

SECTION 4. This act shall take effect and be in force, from and after its passage and publication.

Approved March 31, 1899.

No. 75, S.] [Published April 3, 1899.

CHAPTER 107.

AN ACT to amend section 171 of the statutes of 1898, relative to the salaries of judges and other officials.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 171 of the statutes of 1898, is hereby amended by inserting after the second line thereof, the following, to-wit: provided that no judge of any circuit court shall receive or be allowed to draw any salary for any

Circuit judges to make affidavit that no cause submitted within ninety days remains undecided, before salary will be allowed.

quarter unless he shall take and subscribe an affidavit before an officer entitled to administer oaths that no cause in his court remains undecided that has been submitted for decision for the period of ninety days, exclusive of the time that he shall have been actually disabled by sickness, which affidavit shall be presented to and filed with the officer whose duty it shall be to pay such salary, so that said section when amended shall read as follows: Section 171. The salaries of justices of the supreme court and of judges of the circuit courts shall be payable quarterly in advance, provided that no judge of any circuit court shall receive or be allowed to draw any salary for any quarter unless he shall take and subscribe an affidavit before an officer entitled to administer oaths that no cause in his court remains undecided that has been submitted for decision for the period of ninety days, exclusive of the time that he shall have been actually disabled by sickness, which affidavit shall be presented to and filed with the officer whose duty it shall be to pay such salary. No other officer, elective or appointive, nor any employe of the state shall draw any salary or compensation from the state treasury in advance, but all salaries (except those of such justices and judges), wages and compensation shall be payable monthly at the end of each month for the service rendered during such month, except that the same may be paid at the termination of such service.

No salaries of state officials payable in advance.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1899.

No. 74, S.] [Published April 3, 1899.

CHAPTER 108.

AN ACT to amend section 4, of chapter 33, of the laws of the state of Wisconsin for the year 1893, relating to superior court for Douglas county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 4 of chapter 33 of the laws of Wisconsin for the year 1893 is hereby amended by adding thereto the following, to-wit: provided that no judge of such superior court shall receive or be allowed to draw any salary for any quarter unless he shall take and subscribe an affidavit before an officer entitled to administer oaths that no cause in his court remains undecided that has been submitted for decision for the period of ninety days, exclusive of the time that he shall have been actually disabled by sickness, which affidavit shall be presented to and filed with the officer whose duty it shall be to pay such salary, so that said section when so amended shall read as follows: Section 4. Every person elected or appointed judge of said superior court, shall, before entering upon the duties of his office take and subscribe before some officer authorized to administer oaths, and file in the office of the clerk of the circuit court of said county, duly certified, the following oath of office: I do solemnly swear that I will support the constitution of the United States and of the state of Wisconsin; and that I will administer justice without respect to persons; and I will faithfully and impartially discharge the duties of the office of judge of the superior court of Douglas county according to the best of my ability. He shall receive annually a compensation of thirty-six hundred dol-

Duties and salary of judge. Oath of office.

lars to be paid quarterly out of the treasury of Douglas county, provided that no judge of such superior court shall receive or be allowed to draw any salary for any quarter unless he shall take and subscribe an affidavit before an officer entitled to administer oaths that no cause in his court remains undecided that has been submitted for decision for the period of ninety days exclusive of the time that he shall have been actually disabled by sickness, which affidavit shall be presented to and filed with the officer whose duty it shall be to pay such salary.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1899.

No. 73, S.] [Published April 3, 1899.

CHAPTER 109.

AN ACT to amend section 6, chapter 125 of the laws of the state of Wisconsin for the year 1887, entitled, "An act for the establishment of a superior court in and for the county of Milwaukee."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Duties and salaries of judge. Oath of office.

SECTION 1. Section 6 of chapter 125 of the laws of Wisconsin for the year 1887 is hereby amended by adding thereto the following, to-wit: provided that no judge of such superior court shall receive or be allowed to draw any salary for any quarter unless he shall take and subscribe an affidavit before an officer entitled to administer oaths that no cause in his court remains undecided that has been submitted for de-

cision for the period of ninety days, exclusive of the time that he shall have been actually disabled by sickness, which affidavit shall be presented to and filed with the officer whose duty it shall be to pay such salary, so that said section when amended shall read as follows: Section 6. Every person elected or appointed judge of such superior court shall before entering upon the duties of his office, take and subscribe before some officer authorized to administer oaths and file in the office of the clerk of the circuit court of said county, duly certified, the following oath of office: "I do solemnly swear that I will support the constitution of the United States and the constitution of the state of Wisconsin, and that I will administer justice without respect to persons, and I will faithfully and impartially discharge the duties of the office of judge of the superior court of Milwaukee county according to the best of my ability," and he shall receive an annual salary of five thousand dollars to be paid quarterly out of the treasury of the said county, provided that no judge of such superior court shall receive or be allowed to draw any salary for any quarter unless he shall take and subscribe an affidavit before an officer entitled to administer oaths that no cause in his court remains undecided that has been submitted for decision for the period of ninety days, exclusive of the time that he shall have been actually disabled by sickness, which affidavit shall be presented to and filed with the officer whose duty it shall be to pay such salary.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1899.

No. 288, A.] [Published April 3, 1899.

CHAPTER 110.

AN ACT providing for an appropriation of an amount therein named, for the benefit of the fire sufferers of Barron county, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation of $10,000.

SECTION 1. There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of ten thousand dollars, to be expended as shall be provided in section 3 of this act, in relieving the present distress and providing for the future necessities of the people of Barron county, Wisconsin, rendered destitute by forest fires during the summer of 1898.

To whom payable. Commission to supervise expenditures.

SECTION 2. The moneys appropriated by the preceding section shall be paid by the treasurer of Wisconsin, to the treasurer of Barron county, Wisconsin, who shall apportion it among the treasurers of the several townships of said county, by and with the aid and direction of a commission of three residents of said Barron county, to be appointed by the governor.

SECTION 3. The moneys so paid to the town treasurers, shall be by them expended as the town board in such town may, by and with the advice of the aforesaid commission direct, in the relief of present distress or future necessity and in the purchase of seed for the use of such fire sufferers for the year 1899.

SECTION 4. This act shall take effect and be in force, from and after its passage and publication.

Approved March 31, 1899.

No. 100, S.] [Published April 6, 1899.

CHAPTER 111.

AN ACT for a tax on the property in this state of express companies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Any person, or any joint stock company, partnership, association or corporation, wherever organized or incorporated, conveying to, from or in this state, money or property of any kind, by express (not including railroad or steamship companies engaged in the ordinary transportation business), shall be deemed to be an express company.

Express company defined.

SECTION 2. Annually, during the month of July, every such express company shall make and file with the state treasurer a statement in the form prescribed by him and verified by the oath of the person, agent or officer making the same, containing facts existing on the first day of July, and with reference to the business of the company for its fiscal year ending June thirtieth next preceding, as follows:

To file report annually with state treasurer. What to contain.

1. The name of the company.

2. The nature of the company, whether a person, agent, trustee, lessee, receiver, mortgagee in possession, or other person, or a joint stock company, partnership, association or corporation.

3. The location of its principal office. If an association, partnership or corporation, under the laws of what state or country, and when organized.

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81 C 35 '03

4. The name and postoffice address of the person, or of the president, secretary, auditor, treasurer and superintendent or general manager.

5. The name and post office address of the chief officer or managing agent in Wisconsin.

6. Its capital stock: (a.) authorized; (b.) issued.

7. The number of shares of stock and their par and market values, respectively, or, if there be no market value, the actual value.

8. The situation, income and value in detail of its real estate in Wisconsin.

9. The total income from and cash value of all its real estate situated outside of this state.

10. A full and correct inventory, at the true cash value, of its personal property, including moneys and credits, within this state.

11. The true cash value of all its personal property, including moneys and credits without Wisconsin.

12. The whole length and the names of railroad lines and water and stage routes over which it did business, and separately, in detail, the portions of such lines and routes within this state, and the portions of such routes over navigable waters of the United States within this state.

14. [13] Such other facts or information as such company may deem material upon the question of the taxable value of its property within this state.

Ch. 111, § 3 1903, c 35

State board of assessment, when to meet and levy tax.

SECTION 3. The state board of assessment, as constituted and empowered by section 1069 of the Wisconsin statutes of 1898, and as organized under rules adopted by themselves, shall meet at the capitol annually, on the third Wednesday of August, continuing from day to day until their business is finished, and assess and levy the tax upon the property of any such express company within this state. The state treasurer shall, by registered letter, give notice to the officer of such company attesting its report immediately after the filing thereof, of the time and place when and where such company may appear and be heard in respect to the assessment to be made upon its property.

Board to hear testimony and arguments.

SECTION 4. The state treasurer shall lay before the state board at its meeting all statements made to or by him under the provisions of this act. After hearing the testimony and argu-

ments which such express company may offer, the board shall proceed to determine the true value in money of the entire property of such express company in this state, according to the following rules:

Actual cash value of company's capital stock, how determined.

(a.) It shall find, ascertain and determine the actual value in money of the entire amount of the capital stock of such express company. From the amount so obtained and determined, the board shall deduct the actual value of all real estate situated without this state, and the actual value of all its personal property not used in the express business of such express company. And the remainder shall be taken and considered as the actual value of the capital stock of such company invested in its express business.

Value of company's property in state, how determined. Tax, how assessed and levied.

(b.) The board shall then divide the amount as obtained above by the total number of miles of railroad, stage, water and other routes over which the company did business, to obtain the value per mile, and shall then multiply the value per mile thus obtained by the total number of miles of such routes within this state, exclusive, however, of the number of miles of water-routes over the navigable water of the United States, within this state, and the result shall be taken and considered as the actual value of the property of such express company subject to assessment and taxation in this state. And the board shall thereupon assess such value and levy a tax thereon for the use of the state at the average rate of taxation, state and local consolidated, of this state, certifying such assessment and levy to the state treasurer, who shall thereupon, by registered letter, notify the officer attesting the report of such express company, the amount of the assessment, rate of levy, and amount of tax, and such express company shall have thirty days after the mailing of such notice within which to pay such tax to the state treasurer. The tax so assessed and levied by said board shall be in lieu of all other taxation of such express company in this state.

Treasurer to notify company thereof.

SECTION 5. If any express company fail to

Penalty for failure of company to report or pay tax.

make the report herein required, the state treasurer shall proceed upon the best information he may be able to obtain to make a statement for such express company to be laid before the state board of assessment, as hereinbefore provided, and shall notify such express company by registered letter of his action. Such express company may appear and be heard, as hereinbefore provided; but when the assessment is made said board shall add to the amount of the tax ten per cent. as a penalty for the failure of such company to make its report. If any such express company fail to pay the tax so levied against it, the attorney general shall proceed by action in the name of the state against such company, to collect the same, together with the penalty of ten per cent. on the total amount of such tax and the costs of suit.

Treasurer to furnish blanks.

SECTION 6. The state treasurer shall furnish, upon application, the blanks to be used in making the statement called for by this act.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1899.

No. 101, S.] [Published April 6, 1899.

CHAPTER 112.

AN ACT for the taxation of the property of sleeping car companies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Sleeping car company defined.

SECTION 1. Any person, persons, joint stock company, co-partnership, association or corporation, wherever organized or incorporated, owning any cars known as dining, buffet, chair, par-

lor, palace or sleeping cars, which shall be used upon railroads within this state, unless the ownership of such cars be identical with that of the lines of railroad on which they are operated, shall be deemed and held to be a sleeping car company.

To file report annually with state treasurer. What to contain.

SECTION 2. Every such sleeping car company shall, during the month of July, annually, under oath of an officer of such company acquainted with the facts, make a report to the state treasurer, for the year ending April thirtieth preceding, as follows:

1. The name of such sleeping car company.

2. The nature of the company, whether a person, agent, trustee, lessee, receiver, mortgagee in possession, joint stock company, co-partnership, association or corporation.

3. The location of its principal office. If an association, partnership or corporation, when and where organized or incorporated.

4. The name and post office address of the person, or of its president, secretary, auditor, treasurer, superintendent or general manager.

5. The name and post office address of its chief officer or managing agent in Wisconsin.

6. The total amount of its capital stock invested in its sleeping car business.

7. The number of shares of capital stock invested in its sleeping car business.

8. The par and market value, or, if there be no market value, the actual value, of all of the shares of its capital stock invested in its sleeping car business.

9. The situation and value of its real estate in Wisconsin used in its sleeping car business.

10. The actual value of its personal property, including moneys and credits, in Wisconsin.

11. The location, character and total value of all of its real estate outside of Wisconsin, used in its sleeping car business.

12. The total length of lines of railroad over which the cars of such company were used in Wisconsin and elsewhere.

13. The total length of lines of railroad over

which the cars of such company were used within Wisconsin.

14. Such other facts or information as such company may deem material upon the question of the taxable value of its property within this state.

83 C 112 '99
82 C 35 '08
Ch. 112, § 3
1903, c 35

State board of assessment, when to meet and levy tax.

SECTION 3. The state board of assessment, as constituted and empowered by section 1069 of the statutes of 1898, and as organized under rules adopted by themselves, shall meet at the capitol annually on the third Wednesday of August, continuing from day to day until their business is finished, and assess and levy a tax upon the property of any such sleeping car company within this state. The state treasurer shall by registered letter, give notice to the officer of such sleeping car company attesting its report, immediately after the filing thereof, of the time and place when and where such sleeping car company may appear and be heard in respect to the assessment to be made upon its property.

Board to hear testimony and arguments.

SECTION 4. The state treasurer shall lay before the said board at its meeting, all statements made to or by him under the provisions of this act. After hearing the testimony or arguments which such sleeping car company may offer, the board shall proceed to determine the true value in money of the entire property of such sleeping car company in Wisconsin, according to the following rules:

Actual cash value of company's capital stock, how determined.

(a.) It shall find, ascertain and determine the actual value in money of the entire amount of the capital stock of such sleeping car company invested in its sleeping car business; and from the amount so obtained and determined it shall deduct the actual value of all real estate used by such company in its sleeping car business without this state; and the remainder shall be taken and considered as the actual value of the capital stock of such company invested in its sleeping car business.

Value of company's property in state, how determined.

(b.) The board shall then divide the amount so obtained above by the total number of miles of railroad over which the cars of such company

were used, to obtain the value per mile; and shall then multiply the value per mile thus obtained by the total number of miles of railroad over which the cars of such company were used within this state; and the result shall be taken and considered as the actual value of the property of such sleeping car company within the state of Wisconsin, and subject to assessment and taxation in this state; and the board shall thereupon assess such value, and shall levy a tax thereon for the use of the state at the average rate of taxation, state and local consolidated, of this state, certifying such assessment and levy to the state treasurer, who shall thereupon, by registered letter, notify the officer attesting the report of such sleeping car company, the amount of the assessment, the rate of levy and the amount of the tax; and such sleeping car company shall have thirty days after the mailing of such notice within which to pay said tax to the state treasurer. And such tax when paid shall be in lieu of all other taxes and licenses of every nature against such sleeping car company.

Tax, how assessed and levied. Treasurer to notify company thereof.

SECTION 5. If any sleeping car company shall fail to make the report herein required, the state treasurer shall proceed upon the best information he may be able to obtain to make a statement for such sleeping car company, to be laid before the state board of assessment, as hereinbefore provided, and shall notify such sleeping car company by registered letter of his action. Any such sleeping car company may appear and be heard, as hereinbefore provided; but when the assessment is made the state board of assessors shall add to the amount of the tax ten per cent., as a penalty for the failure of such company to make its report. And if any such sleeping car company shall fail to pay the tax levied against it as hereinbefore provided, the attorney general shall proceed by action in the name of the state against such company to collect the same, together with a penalty of ten per cent. on the total amount of such tax and costs of suit.

Penalty for failure of company to report or to pay tax.

Certain property exempted.

SECTION 6. Sleeping car property of the class herein described which is owned by railroad companies, and the gross earnings of which are taxed by section 1213 of the statutes of 1898 is exempt from taxation under this act.

SECTION 7. All acts and parts of acts in relation to the assessment and taxation of sleeping car companies, or in conflict with the provisions of this act are hereby repealed.

Treasurer to furnish blanks.

SECTION 8. The state treasurer shall furnish on application the blanks to be used in making the statement called for by this act.

Certain credits to company granted.

SECTION 9. This act shall take effect and be in force from and after its passage and publication; but in rendering the tax bill for the year 1899, the state treasurer shall credit the amount of the tax for the year 1899, paid by any such sleeping car company upon its gross receipts.

Approved March 31, 1899.

No. 102, S.] [Published April 6, 1899.

CHAPTER 113.

AN ACT for a tax on the property, in this state of freight line companies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Freight line company defined.

SECTION 1. Any person, or any joint stock company, partnership, association, or corporation, wherever organized or incorporated, whose principal business is furnishing or leasing any kind of railroad cars as a common carrier, except dining, buffet, chair, parlor, palace or sleeping cars, to be used on, or in the operation of the line of any railroad company wholly or partly within

this state, not being the owner or lessee of such railroad, shall be deemed a freight line company.

SECTION 2. Annually, during the month of July, every such freight line company shall make and file with the state treasurer in the form prescribed by him, a statement verified by the oath of the person, agent or officer making the same, containing the facts existing on the first day of July and with reference to the business of such company for the fiscal year ending June thirtieth, next preceding, as follows:

To file report annually with state treasurer. What to contain.

1. Name of the company.

2. The nature of the company, whether a person, agent, trustee, lessee, receiver, mortgagee in possession, or other person, or a joint stock company, partnership, association, or corporation.

3. The location of its principal office. If an association, partnership, or corporation, when and where organized, or incorporated.

83 C 113 '99
83 C 35 '08

4. The name and post office address of the person, or of its president, secretary, auditor, treasurer, superintendent or general manager.

5. The name and post office address of its chief officer or managing agent in Wisconsin.

6. Its capital stock: (a) authorized; (b) issued.

7. The number of shares of stock: (a) outstanding; (b) not issued; (c) treasury.

8. The par and market values, or if there be no market value, the actual value of its shares of stock.

9. A statement of the situation and value of its real estate in Wisconsin.

10. The actual cash value of its personal property, including moneys and credits, in Wisconsin.

11. The total cash value of all its real estate situated outside of Wisconsin.

12. The total value of all its personal property, including moneys and credits situated outside of Wisconsin.

13. The total number of miles of railroad over which the cars of said company were run during

such year, and separately the number of miles over which said cars were run in this state, so as to show the total wheelage of such cars, and the wheelage in this state.

14. Such other facts or information as such company may deem material upon the question of the taxable value of its property within this state.

Ch. 113, § 3 1903, c 35

State board of assessment, when to meet and levy tax.

SECTION 3. The state board of assessment, as constituted and empowered by section 1069 of the statutes of 1898, and as organized under rules adopted by themselves, shall meet at the capitol annually on the third Wednesday of August, continuing from day to day until their business is finished, and assess and levy a tax upon the property of any such freight line company within this state. The state treasurer shall, by registered letter, give notice to the officer of such company attesting its report, immediately after the filing thereof, of the time and place when and where such company may appear and be heard in respect to the assessment to be made upon its property.

Board to hear testimony and arguments.

SECTION 4. The state treasurer shall lay before the said board at its meeting all statements made to or by him under the provisions of this act. After hearing the testimony or arguments which such company may offer, the board shall proceed to determine the true value in money of the entire property of such freight line company in Wisconsin, according to the following rules:

Ch. 113 § 4 See 1899 c 149

Actual cash value of company's capital stock, how ascertained.

(a.) It shall find, ascertain and determine the actual value in money of the entire amount of the capital stock of such freight line company; and from the amount so obtained and determined, it shall deduct the actual value of all its real estate within* this state; and the remainder shall be taken and considered as the actual value of the capital stock of such company.

Value of company's property in state, how determined.

(b.) The board shall then divide said amount by the total number of miles of railroad over which the cars of such company were run in order to obtain the value per mile, and shall then multiply such value so obtained by the

*See chapter 149, laws of 1899.

total number of miles of railroad over which the cars of said company were run in this state; and the result shall be taken and considered as the actual value of the property of such freight line company within the state of Wisconsin, and subject to assessment and taxation in this state; and the board shall thereupon assess such value, and shall levy a tax thereon for the use of the state at the consolidated rate of levy, state and local, of this state, certifying such assessment and levy to the state treasurer, who shall thereupon, by registered letter, notify the officer attesting the report of such company, the amount of the assessment, the rate of levy and the amount of the tax; and such company shall have thirty days after the mailing of such notice within which to pay said tax to the state treasurer. And such tax when paid shall be in lieu of all other taxes and licenses of every nature against such freight line company.

Tax, how assessed and levied. The treasurer to notify company thereof.

SECTION 5. If any freight line company shall fail to make the report herein required, the state treasurer shall proceed upon the best information he may be able to obtain to make a statement for such company, to be laid before the state board of assessment, as hereinbefore provided; and shall notify such company by registered letter of his action. Any such company may appear and be heard, as hereinbefore provided; but when the assessment is made the state board shall add to the amount of the tax ten per cent. as a penalty for the failure of such company to make its report. And if any such freight line company shall fail to pay the tax levied against it as hereinbefore provided, the attorney general shall proceed by action, in the name of the state, against such company, to collect the same, together with a penalty of ten per cent. on the total amount of such tax and costs of suit.

Penalty for failure of company to report or pay tax.

SECTION 6. All acts and parts of acts in relation to the assessment and taxation of freight

line companies, or in conflict with the provisions of this act are hereby repealed.

Treasurer to furnish blanks.

SECTION 7. The state treasurer shall furnish, upon application, the blanks to be used in making the statement called for by this act.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1899.

No. 103, S.] [Published April 6, 1899.

CHAPTER 114.

Ch. 114 § 1 See 1899 c 277

AN ACT for a tax on the property in this state of equipment companies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Equipment company defined.

SECTION 1. Any person, or any joint stock company, partnership, association, or corporation, wherever organized or incorporated, whose principal business is furnishing or leasing any kind of railroad cars to common carriers,* except sleeping cars, to be used on, or in the operation of the line of any railroad company wholly or partly within this state, not being the owner or lessee of such railroad, shall be deemed an equipment company.

To file report annually with state treasurer. What to contain.

SECTION 2. Annually, during the month of July, every such equipment company shall make and file with the state treasurer in the form prescribed by him, a statement verified by the oath of the person, agent or officer making the same, containing the facts existing on the first day of July and with reference to the business of such company for the fiscal year ending June thirtieth, next preceding, as follows:

*See chapter 277, laws of 1899.

1. Name of the company.

2. The nature of the company, whether a person, agent, trustee, lessee, receiver, mortgagee in possession, or other person, or a joint stock company, partnership, association, or corporation.

3. The location of its principal office. If an association, partnership, or corporation, when and where organized or incorporated.

83 C 114 '99
84 J 35 '03

4. The name and post office address of the person, or of its president, secretary, auditor, treasurer, superintendent or general manager.

5. The name and post office address of its chief officer or managing agent in Wisconsin.

6. Its capital stock: (a) authorized; (b) issued.

7. The number of shares of stock: (a) outstanding; (b) not issued; (c) treasury.

8. The par and market values, or if there be no market value, the actual value of its shares of stock.

9. A statement of the situation and value of its real estate in Wisconsin.

10. The actual cash value of its personal property, including moneys and credits, in Wisconsin.

11. The total cash value of all its real estate situated outside of Wisconsin.

12. The total value of all its personal property, including moneys and credits situated outside of Wisconsin.

13. The total number of miles of railroad over which the cars of said company were run during such year, and separately the number of miles over which said cars were run in this state, so as to show the total wheelage of such cars, and the wheelage in this state.

14. Such other facts or information as such company may deem material upon the question of the taxable value of its property within this state.

State board of assessment, when to meet and levy tax.

Ch. 114, § 3
1903, c 35, § 1

SECTION 3. The state board of assessment, as constituted and empowered by section 1069 of the Wisconsin statutes of 1898, and as organized under rules adopted by them-

selves, shall meet at the capitol annually on the third Wednesday of August, continuing from day to day until their business is finished, and assess and levy the tax upon the property of any such equipment company within this state. The state treasurer shall, by registered letter, give notice to the officer of such company attesting its report, immediately after the filing thereof, of the time and place when and where such company may appear and be heard in respect to the assessment to be made upon its property.

Board to hear testimony and arguments.

SECTION 4. The state treasurer shall lay before the said board at its meeting, all statements made to or by him under the provisions of this act. After hearing the testimony or arguments which such company may offer, the board shall proceed to determine the true value in money of the entire property of such equipment company in Wisconsin, according to the following rules:

Actual cash value of company's capital stock, how obtained.

(a.) It shall find, ascertain and determine the actual value in money of the entire amount of the capital stock of such equipment company; and from the amount so obtained and determined it shall deduct the actual value of all its real estate without this state; and the remainder shall be taken and considered as the actual value of the capital stock of such company.

Value of company's property in state, how determined. Tax, how assessed and levied.

(b.) The board shall then divide said amount by the total number of miles of railroad over which the cars of such company were run, in order to obtain the value per mile, and shall then multiply such value so obtained by the total number of miles of railroad over which the cars of said company were run in this state; and the result shall be taken and considered as the actual value of the property of such equipment company within the state of Wisconsin, and subject to assessment and taxation in this state; and the board shall thereupon assess such value, and shall levy a tax thereon for the use of the state at the average rate of taxation, state and local consolidated, of this state, certifying such assessment and levy to the state treasurer, who shall

thereupon, by registered letter, notify the officer attesting the report of such company, the amount of the assessment, the rate of levy and the amount of the tax; and such company shall have thirty days after the mailing of such notice within which to pay said tax to the state treasurer. And such tax when paid shall be in lieu of all other taxes and licenses of every nature against such company.

Treasurer to notify company thereof.

SECTION 5. If any equipment company fail to make the report herein required, the state treasurer shall proceed upon the best information he may be able to obtain to make a statement for such company, to be laid before the state board of assessment, as hereinbefore provided, and shall notify such company by registered letter of his action. Any such company may appear and be heard, as hereinbefore provided; but when the assessment is made the state board shall add to the amount of the tax ten per cent. as a penalty for the failure of such company to make its report; and if any such company fail to pay the tax levied against it as hereinbefore provided, the attorney general shall proceed by action in the name of the state, against such company, to collect the same together with a penalty of ten per cent. on the total amount of such tax and costs of suit.

Penalty for failure of company to report or pay tax.

SECTION 6. All acts and parts of acts in relation to the assessment and taxation of equipment companies, or in conflict with the provisions of this act are hereby repealed.

SECTION 7. The state treasurer shall furnish upon application, the blanks to be used in making the statement called for by this act.

Treasurer to furnish blanks.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1899.

No. 333, A.] [Published April 6, 1899.

CHAPTER 115.

AN ACT to amend chapter 28, of the Wisconsin statutes of 1898, relating to the common schools.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

School fund income tax, when and how apportioned to counties.

SECTION 1. Section 554, chapter 28, of the Wisconsin statutes for 1898, is hereby amended by substituting for the word "six" in the twenty-fifth line thereof, the word "seven" so that the said section when so amended shall read as follows: Section 554. The school fund income which shall have been received up to and including the first day of December, including the amount to accrue from the one-mill state tax provided for by section 1072a, to be collected by the several counties of the state before the first Monday in February next succeeding the date of such apportionment, shall be apportioned by the state superintendent between the tenth and fifteenth days of December in each year. Such apportionment shall be made among the several counties, towns, villages and cities according to the number of children in each, over the age of four and under the age of twenty years, as shown by the reports made to the state superintendent for the year preceding, ending June 30. Whenever any town, village or city shall fail in any year to raise by tax, for the support of common schools therein, a sum equal to the amount of its share of such school fund and other income as determined by the county board, in pursuance of section 1074, the amount of the apportionment to such town, village or city for that year shall be withheld from the next succeeding apportionment, unless the town or village board or common council shall have transferred, as

they are hereby authorized to do, from the general fund to the school fund of the town or village, or to the board of education of the city for such purpose, the amount of deficit in such school tax, and the town, village or city clerk shall have filed with the state superintendent his certificate showing such transfer, and in the case of the town clerk, his apportionment thereof to the proper school districts, before the tenth day of December. No apportionment shall be made to any city, village or town for any school district therein for any year during which such district shall not have maintained a common school, taught by a qualified teacher, for seven months unless, the state superintendent shall be satisfied that such school was so taught for three months, and the failure to maintain it for the full seven months was occasioned by some extraordinary cause and not arising from neglect or intent, nor to any town, village or city, nor for any school district, reports of such, as required by law, shall not have been made and transmitted during the preceding year to the state superintendent; nor to any city for any year the report for which shall not show that the number of children between the ages aforesaid, residing therein, has been ascertained by an actual census taken under the direction of the board of education or other body having the government of common schools therein, by their clerks or persons of their appointment for that purpose; provided that provision by a school district for the instruction and transportation of its pupils, in accordance with subdivision 15, of section 430, shall entitle the district to share in the apportionment as though such district had maintained a school.

Schools to be maintained seven months each year, before district is eligible to receive tax.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved April 1, 1899.

No. 97, A.] [Published April 6, 1899.

CHAPTER 116.

Ch. 116
See 05 c 385

AN ACT to amend section 1548 of the revised statutes of 1898, relating to excise and sale of intoxicating liquors.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Licenses, how and when granted. Date of expiration of same.

SECTION 1. Section 1548 of the revised statutes of 1898 is hereby amended by striking out the words "granting thereof" where they occur in the thirteenth line of the said section, and inserting in lieu thereof the words "said licenses become effective," so that the said section when amended shall read as follows: Section 1548. Each town board, village board and common council may grant license under the conditions and restrictions in this chapter contained, to such person as they deem proper to keep groceries, saloons or other places within their respective towns, villages or cities for the sale of strong, spirituous, malt, ardent or intoxicating liquors. The sum to be paid for such license shall (subject to the right to increase the same, as in this chapter provided) be, in towns having within their boundaries no city or village, incorporated or unincorporated, with a population of five hundred or more, one hundred dollars, and in all cities and villages and other towns, two hundred dollars, except for registered pharmacists, as in this chapter provided. The application for any such license shall be in writing and shall state the kind of license applied for and designate the premises where such liquor shall be sold. All such licenses shall remain in force until the first Tuesday of July next after said licenses become effective, unless sooner revoked by the board or council granting the same; they they shall be attested by the town, city or village

clerk and shall not be delivered until the applicant shall produce and file with the clerk a receipt showing the payment of the sum required therefor to the proper treasurer, and until the filing with the clerk of the bond provided for in section 1549. All town and village boards and common councils or the authorized committees of such councils shall meet and be in session on the third Monday of each June, and from day to day thereafter, so long as it may be necessary, for the purpose of acting upon such applications as may be presented to them conformably to this chapter. The population of any city or village shall be ascertained by the last preceding enumeration by the state or general government. No such license shall be granted to any person or persons for the sale of any such liquors within a distance of two and one-half miles of the grounds of the Wisconsin Veterans' Home in the town of Farmington, county of Waupaca, nor to any person who is the owner or keeper, directly or indirectly, of a house of ill fame or house of prostitution.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved April 1, 1899.

No. 238, A.] [Published April 6, 1899.

CHAPTER 117.

AN ACT to amend chapter 72 laws of 1897 entitled "An act to establish a municipal court at the city of Racine in and for the county of Racine."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Jurisdiction of court in criminal actions.

SECTION 1. Section 3 of chapter 72 of the laws of 1897 is hereby amended so that said section when amended shall read as follows: Section 3. The municipal court of Racine county shall have and exercise powers and jurisdiction concurrent with and equal to the circuit court of Racine county in bastardy cases and in all cases of crimes and misdemeanors arising in said county, except charges of murder, manslaughter and homicide.

Jurisdiction of court in civil actions.

SECTION 2. Section 4 of chapter 72 of the laws of 1897 is hereby amended to read as follows: Section 4. Said municipal court shall have and exercise powers and jurisdiction in all civil actions and special proceedings within the county of Racine in law and equity, concurrent with, and equal to the jurisdiction of the circuit court for Racine county, where the value of the property in controversy, or the amount of money claimed or sought to be recovered, after deducting all payments and set-offs, shall not exceed five thousand dollars, and also of all actions for the foreclosure of mortgages, and mechanic's liens, in which the amount claimed does not exceed the sum aforesaid, although the value of the property to be affected exceed that sum.

SECTION 3. After section 5 of chapter 72 of the laws of 1897 insert a new section to be known as section 5a and to read as follows: Section

5a. All judgments in civil actions, except such as would otherwise be cognizable by justices of the peace, rendered in said municipal court and docketed, as prescribed by law, in the office of the clerk of said court, shall for a period expiring ten years from the date of the rendition thereof, be a lien upon the real property in said county of Racine except the homestead mentioned in section 2983 of the revised statutes of Wisconsin, of every person against whom such judgment shall be rendered and docketed, and which he may have at the time of docketing thereof in said county of Racine or which he shall acquire at any time thereafter within said period of ten years. Such judgments shall have the same force and effect and be subject to the same limitations as judgments of the circuit court and said judgments shall be enforced and executions thereon be issued from said municipal court in the same manner and with the same force and effect as judgments and executions of and from the circuit court of Racine county.

Judgments of court in civil actions, when a lien on real property.

SECTION 4. Section 7 of chapter 72 of the laws of 1897 is hereby amended to read as follows: Section 7. All examinations, recognizances and commitments from or by examining magistrates of said county of Racine, in bastardy cases, and in all criminal cases except charges of murder, manslaughter and homicide, shall be certified and returned to such municipal court instead of to the circuit court for said county of Racine, within the time prescribed by law, and the attendance of witnesses required upon the trial of any person so committed shall be secured in the same manner as provided by law in the circuit court, and all such cases shall thereafter be proceeded with and tried in said municipal court, as provided by law in similar cases in circuit courts.

Examinations, etc., returnable to municipal court. Attendance of witnesses, how required.

SECTION 5. Section 10 of chapter 72 of the laws of 1897 is hereby amended to read as follows: Section 10. The provisions of law applicable to change of venue in the circuit courts of this state, shall be applicable to said munic-

Change of venue, how made.

ipal court, except that when the venue of any action shall be so changed, it shall be changed to the circuit court of Racine county, and such change of venue shall not prevent the granting by said circuit court of a further change of venue as provided in section 2622 of the revised statutes of this state, provided, however, that nothing herein contained shall be construed as abrogating the right to the change of venue provided for by section 2621 of the revised statutes of this state and when such change of venue shall be made it shall be by said municipal court direct to the proper county for the trial of the action, and provided further that section 2625 of the revised statutes of this state so far as applicable shall apply to said municipal court and that the judge thereof shall have the right to call upon a circuit judge to attend, hold court and try such action and while so doing he shall have the same powers as if elected judge of said municipal court. If any person charged upon indictment or information with a criminal offense shall have procured a change of venue to the circuit court of Racine county, said municipal court shall commit or hold the party to bail to appear at the next term of the circuit court, and the clerk of said municipal court shall transmit all papers and a copy of the record and proceedings in said case properly certified to be such under the seal of said court, to the said circuit court, which shall then have full jurisdiction of the action. All recognizances previously given in such cases and returned to said municipal court, may be enforced by said circuit court as fully as if they had been originally certified and returned thereto.

Drawing of jury, by clerk eliminated.

SECTION 6. Section 13 of chapter 72 of the laws of 1897 is hereby amended by striking out the following sentence: "He shall, in the presence of the sheriff of said county, draw the grand and petit juries for said court in the same manner and upon the notice required by law for the drawing of such juries in circuit courts, except as hereinafter provided."

SECTION 7. Section 17 of chapter 72 of the laws of 1897 is hereby amended by striking out the last sentence thereof as follows: "In all criminal cases in which information shall have been filed in said court and in all civil cases now triable by jury in said municipal court, in which, at or before the time of filing the notice of trial, either party shall have filed a written demand for a jury, the clerk of said court, in the presence of the judge, at least six days before said term, shall draw from the list of persons, as hereinafter provided, to serve as jurors therein, twenty-four jurors for such term, and shall issue a venire to the sheriff of Racine county to summon them as such."

Drawing of jury by clerk, in criminal cases, eliminated.

SECTION 8. Section 18 of chapter 72 of the laws of 1897 is hereby repealed.

SECTION 9. After section 18 of chapter 72 of the laws of 1897 insert a new section to be known as section 18a. Section 18a. To carry out its jurisdiction the said municipal court shall have all the powers of circuit courts and shall have full power and authority to issue all legal process, proper and necessary to carry into effect the jurisdiction given by law, within the limitations prescribed by said chapter 72 and the amendments thereto.

Power of municipal court to maintain jurisdiction.

SECTION 10. After section 18 of chapter 72 of the laws of 1897, insert a new section to be known as section 18b. Section 18b. All judgments, orders and decrees made and entered in by said municipal court in all actions and proceedings not heretofore cognizable by justices of the peace, shall have the same force, effect and lien, and be executed and carried into effect and enforced, as judgments, orders and decrees made and entered in the circuit court, and all the remedies given, and proceedings provided for the collection and enforcement of the judgments, orders and decrees of the circuit court, shall apply to and be exercised by said municipal court.

Certain judgments, etc., to be executed as those in circuit court.

SECTION 11. This act shall take effect and be in force, from and after its passage and publication.

Approved April 1, 1899.

No. 108, A.] [Published April 6, 1899.

CHAPTER 118.

AN ACT to enable church insurance companies to amend their articles of organization.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amendments to articles, how made. Copy of amendments to be filed with insurance commissioner.

SECTION 1. Any corporation organized under chapter 268, laws of 1891, or under chapter 89 of the statutes of 1898 as a church insurance corporation, may at any meeting of its members by a vote of at least one-half of the total number of votes to which the members thereof shall be entitled, unless a greater vote shall be required by its articles, amend its articles of organization, so as to modify its business or purposes within the purview of said chapter, change its name or location, change its officers, number of directors, or the tenure of their offices in such manner as to effect rotation in office, or provide anything which might have been originally provided in such articles. Such amendment shall be adopted only in accordance with the articles of organization if a mode of amending the same shall have been therein prescribed. When adopted, a copy of such amendment with a certificate thereto affixed, signed by the president and secretary and sealed with the corporate seal, if there be any, stating the fact and date of the adoption of such amendment and that such copy is a true copy of the original shall be filed with the commissioner of insurance, and the commissioner shall issue his certificate that such articles are the amended articles of such corporation.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved April 1, 1899.

No. 176, A.] [Published April 7, 1899.

CHAPTER 119.

AN ACT conferring additional jurisdiction on the county court of St. Croix county, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Enlarged jurisdiction of the county court defined.

SECTION 1. The county court of St. Croix county, in addition to the powers and jurisdiction conferred by law on county courts, shall have cognizance of and jurisdiction to hear, try and determine all actions and proceedings at law, except actions wherein the title to real property shall come in question, wherein the amount of debt, damages, demand, penalty or forfeiture shall not exceed the sum of five hundred dollars; actions founded on an account when the same shall be reduced to an amount not exceeding five hundred dollars by credits given or by the set-off or demand of the opposite party; actions to recover the possession of personal property, with damages for the unlawful taking or detention thereof, wherein the value of the property claimed shall not exceed the sum of five hundred dollars and all charges for offenses arising within said county, and which are not punishable by commitment to state's prison, offenses against the city charter, ordinances, by-laws, rules and regulations of the city of Hudson, said county and said county court and the judge thereof, shall have power to pronounce judgment, sentence and commit all persons convicted of any crime or offense of which said court has jurisdiction and in the exercise of the jurisdiction conferred on the county court by this act, said court shall have full power to grant adjournments and continuances and take and have, all necessary proceedings concerning or relating

thereto as provided by law in courts of justices of the peace. Said county court and the judge thereof, shall further have all the jurisdiction, authority, powers and rights given by law to the police justice of the city of Hudson and to justices of the peace of said county, together with the power and right, in his discretion, to charge the the jury upon written charges or otherwise; and the proceedings and practice in said county court, under this act, except as herein otherwise provided, shall be governed as far as practicable by the laws relating to courts of justices of the peace of this state.

Extent of judgment by confession. How entered.

SECTION 2. A judgment by confession may be entered by the judge of said county court, in any sum not exceeding one thousand dollars, without action, either for money due or to become due or to secure any person against contingent liability on behalf of the defendant or both, if a statement be made in writing, signed by the defendant, and verified by his oath to the following effect:

1. It must state the amount for which judgment may be entered, and authorize the entry of judgment therefor by the judge of said county court.

2. If it be for money due or to become due, it must state concisely the facts out of which the indebtedness arose and must show that the amount confessed therefor is justly due or to become due.

3. If it be for the purpose of securing the plaintiff against a contingent liability, it must state concisely the facts constituting the contingent liability and must show that the sum confessed does not exceed the same.

Vacancy on bench, caused by absence or disability, how filled.

SECTION 3. In case of the absence, sickness or disability of the county judge and in case any action brought in the county court under the provisions of this act, is sought to be removed therefrom, upon the oath of the defendant, his agent or attorney as provided by law in courts of justices of the peace, said county judge may by a written order, entered in his docket, appoint

any justice of the peace of St. Croix county to discharge the duties of county judge for a period of time to be specified in such order or for the hearing of any action sought to be removed, and the justice of the peace so appointed, shall have and exercise all the duties, powers and jurisdiction of the county judge, as conferred by this act, in all actions, matters and proceedings which may come before said court while he is administering said office; except that when such justice of the peace is called in to hear, try and determine any action or proceeding sought to be removed from said county court or judge, on the oath of the defendant, he shall have power to act in no other matter, action or proceeding than that in which he is so called. Said justice of the peace shall receive five dollars per day for each day in which he is necessarily occupied in the actual trial or hearing of any action, matter or proceeding which he is authorized to hear, payable to him by the county on his verified statement, countersigned and certified by the county judge and audited and allowed by the county board.

Procedure when an action is removed from justice to county court.

§4 C 119 '99
§1 C 272 '03

1899 c 119 § 4
111 293

Ch. 119 § 4
1903 c 272

Ch. 119 § 4
05 c 164

SECTION 4. Whenever any action, examination or other proceeding shall be removed from any justice of the peace of said county of St. Croix upon the oath of the defendant, his agent or attorney, according to the provisions of law for such removal, if said defendant, his agent or attorney, shall request in writing, to such justice of the peace, that the action, examination or other proceeding be removed to the said county court, then the action, examination or other proceeding and all papers therein, shall be forthwith transmitted by mail, to the county judge at the city of Hudson and the action, examination or other proceeding shall be for trial at the next regular term of said county court, under the provisions of this act, not less than seven days from the date of said removal, at the place of holding regular terms of said county court, nearest the justice of the peace from whom said action, examination or other proceeding is removed.

Trial by jury, how may be had.

SECTION 5. In all cases arising in said county court, under this act or in which the said court shall obtain jurisdiction, as in this act specified, excepting only in actions and proceedings arising under the charter, ordinances and by-laws of the city of Hudson, trial by jury may be had in the same manner and process as in courts of justices of the peace.

Form of summons.

SECTION 6. The summons in all civil actions, under this act, may be in the following form:

State of Wisconsin, In County Court for St. Croix County—ss.

The state of Wisconsin, to the sheriff or any constable of said county:

You are hereby commanded to summon A. B., if he shall be found within your county, to appear before the undersigned, the county judge of said county, at the office of....., in the city (village or town) of....., on the .....day of ....., A. D. 1....., at .....o'clock in the.....noon, to answer to C. D., plaintiff, to his damage, five hundred dollars, or under, hereof; fail not at your peril.

Given under my hand at Hudson, Wisconsin, this.....day of....., A. D., 1.....

Issued by .....

County Judge.

Processes, how returnable.

And all other writs, warrants and processes necessary to be issued, under this act, shall be in the form prescribed by law for justices of the peace or for courts of justices of the peace, but under the name of the county judge of said St. Croix county. And all processes issued under the provisions of this act, shall be made returnable within the same time as like processes issued by justices of the peace under existing laws and shall be served within the same time, and in the same manner as like processes of justices of the peace are required to be served under existing laws; provided that the maximum time within which all processes, under the provisions of this act, may be made returnable, shall be thirty-six days.

SECTION 7. In all civil actions and in all

criminal trials, examinations and proceedings in said county court, under this act, the docket entries and process shall be made, kept and filed substantially in the same manner, as near as may be, as the same are required to be kept by justices of the peace under the laws of this state; in the trial of offenses against the city charter, ordinances, by-laws, rules and regulations of the city of Hudson, in said county, under this act, the forms to be used and the docket entries, processes and proceedings shall be substantially the same, as near as may be, as required by the city charter and ordinances of the city of Hudson; provided that in all civil actions, under this act, said judge may sign in blank, summonses and other processes and deliver the same to attorneys of courts of record throughout the county, to be issued by them as occasion may require; and upon the filing of said summons or other process, at any time on or before the day on which the same is made returnable, said judge shall forthwith docket said case, which docket entries shall have the same force and effect as if made at the time of issuing such summons or other process; provided further that no summons or other process, issued by an attorney at law or by said county judge, under the provisions of this act, shall be valid unless said attorney shall endorse thereon his name or the name of the firm of which he is a member or unless said judge, when said summons or other process is issued by him, shall indorse thereon his name, which indorsement shall be substantially in the following form: "Issued by A. B., attorney at law," or "Issued by C. D., County Judge;" and when any action, examination or proceeding in the county court under the provisions of this act, shall be adjourned or continued to a day certain, it shall be for trial at nine o'clock in the forenoon of the day to which the same has been adjourned or continued, unless otherwise ordered by the court or agreed to by the parties; and at the hour above specified, the parties shall proceed to the trial of the case without delay, un-

Docket entries in all actions, how kept and filed; when judge may sign summonses in blank, endorsements to be made thereon.

less the same shall be adjourned by consent of parties or continued by the court, for cause shown, and upon such terms as may be just and equitable.

Salary of county judge.

SECTION 8. For his services, under the provisions of this act, the county judge of said county shall receive a salary of five hundred dollars, until otherwise provided by the county board, which board is hereby authorized to increase or decrease the amount of the same, which salary shall be paid at the same time and in the same manner as other salaried county officers are paid. In all actions, examinations or proceedings in the county court, under this act, the county judge shall collect from the proper parties, the same fees as are now allowed by law to justices of the peace for like services and pay the same over to the county treasurer, taking duplicate receipts therefor, one of which receipts he shall file with the county clerk; said fees so paid over to the county treasurer, shall go to make up the salary of the county judge under the provisions of this act; provided that in all matters, examinations and proceedings of which the county court and the judge thereof had jurisdiction before the passage of this act, it shall be lawful for the county judge to charge and receive for said services, the same fees and per diem as heretofore allowed by law for like services, to be paid as heretofore.

Attorney's fees allowed to plaintiff, how determined.

SECTION 9. In all actions in the county court, under this act, an attorney's fee shall be allowed to the plaintiff, if he recover judgment, as follows: If the judgment does not exceed twenty-five dollars, the sum of two dollars and fifty cents; if the judgment exceeds twenty-five dollars and does not exceed one hundred dollars, a sum equal to ten per cent. of the judgment; if the judgment exceeds one hundred dollars and does not exceed two hundred dollars, ten dollars on the first hundred dollars and five per cent. on the balance of the judgment; if the judgment exceeds two hundred dollars, fifteen dollars on the first two hundred dollars and two and one-half per

cent. on the balance of the judgment. In case judgment shall be for the defendant, he shall receive the same attorney's fees, and the amount claimed by the plaintiff shall be the basis for computing the same. In actions of replevin the value of the property as proved, shall govern the amount of attorney's fee, in case judgment is for the plaintiff; and the value of the property as claimed, shall govern the amount of attorney's fee in case judgment is for the defendant. In any case not herein provided for, a reasonable attorney's fee may be allowed in the discretion of the court; provided, that no attorney's fee shall exceed the sum of twenty-five dollars; and provided further, that no attorney's fee shall be allowed unless the prevailing party shall appear in the action by an attorney of a court of record.

County judge may appoint phonographic reporter, salary and duties of.

SECTION 10. The county judge may appoint a phonographic reporter, skilled in the art of shorthand reporting, for said court under this act, and may remove him at pleasure and appoint another in his place. Every person so appointed shall be deemed an officer of said court and shall, before entering upon the duties of his office, take and subscribe the constitutional oath and file the same, duly certified, with the clerk of the circuit court of St. Croix county. The reporter shall attend said county court whenever requested by the county judge and perform such duties as the county judge may require under this act. The reporter's notes shall be filed in lieu of the minutes required by law to be taken by justices of the peace in like proceedings; provided, that in case of appeal in civil actions, said reporter when requested by the appellant, shall file a transcribed copy of his notes, which shall be returned as the testimony in the case; and the fees for transcribing said testimony, not exceeding five cents per folio, shall be taxed as part of the costs in the case. Said reporter shall receive such compensation for taking testimony under this act as shall be fixed by the county judge, not exceeding

three dollars per day for each day's actual attendance and two dollars for each half day's attendance on said court, which amount shall be taxed as costs in the case. In all cases wherein the county shall become liable for the costs, said fees shall be certified, audited and paid out of the county treasury monthly, upon filing with the county treasurer the certificate of the county judge, showing the title of the case and the amount due said phonographic reporter for services therein. The sum paid to the phonographic reporter under this act, shall be in lieu of the fees allowed by law to justices of the peace for taking testimony in such cases. Section 2439, of the revised statutes, shall apply to said reporter and said court, and section 4141, of the revised statutes, shall apply to transcribed copies of the testimony and proceedings taken by the reporter under this act in the county court.

Transcripts of judgments may be filed with circuit court.

SECTION 11. Transcripts of judgments of the county court, under this act, in civil actions, may be filed and docketed with the clerk of the circuit court of said county, in the same manner and with the same effect, as transcripts of judgments rendered by justices of the peace in said county; and appeals from said court, in all cases arising under this act, may be taken in the same manner and with like effect as is provided by law in case of appeal from final judgments in courts of justices of the peace.

Term of court, when and where held.

SECTION 12. The county court under the provisions of this act, shall be open for the transaction of business daily (Sundays and legal holidays excepted) at nine o'clock in the forenoon and said court shall be held in the office of the county judge in the court house in the city of Hudson in said county or in any other convenient place in said county. Regular terms of said county court, under the provisions of this act, shall be held once each month at the places and times following, to-wit: at the city of Hudson, on the first Thursday of each month; at the city of New Richmond, on the second Thursday of each month; at the city of Glenwood, on the

third Thursday of each month and at the village of Baldwin, on the fourth Thursday of each month. And said county court shall at the request of either party, adjourn any trial hearing or proceeding, from one term of said county court to the next, after issue joined, to allow parties to prepare for trial or for other cause shown in its discretion. All dockets, blanks and stationery, used in the county court in the trial of civil and criminal cases, shall be furnished at the expense of St. Croix county. All dockets, blanks and stationery used in the county court, in the trial of offenses against the city charter and ordinances of the city of Hudson, shall be furnished at the expense of said city.

SECTION 13. All the provisions of title 30, of the revised statutes, entitled "proceedings common to all courts," as far as applicable, shall apply to all actions, examinations and proceedings in the county court under this act.

SECTION 14. This act shall take effect and be in force, from and after the thirtieth day of June, 1899.

Approved April 1, 1899.

No. 205, S.] [Published April 8, 1899.

CHAPTER 120.

AN ACT fixing certain qualifications for teachers in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

College graduates to file evidence of study.

SECTION 1. After the first day of July, 1900, graduates of colleges and universities, in order that their diplomas may become an authorization to teach in the public schools of this state, as now

provided by law, must present with them to the state superintendent of public instruction satisfactory evidence of having given to psychology and pedagogy at least as much study as is required, in this state, of candidates for a life certificate.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 7, 1899.

No. 229, S.] [Published April 8, 1899.

CHAPTER 121.

AN ACT to provide for the collection of information concerning instruction in manual training and in the theory and art of agriculture in the public schools, and making an appropriation therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

C 121 '99 See C 199 '01 — Ch. 121 See 1901 c 199

Appointment of L. D. Harvey as commissioner.

SECTION 1. L. D. Harvey is hereby appointed commissioner until the second Wednesday of January, 1901, with authority, and it shall be his duty, so far as practicable to investigate the methods of procedure in this and other states and countries in giving instruction in manual training and in the theory and art of agriculture in the public schools.

To prepare course of instruction in manual training.

SECTION 2. The said commissioner shall if feasible, prepare a course of instruction in manual training, adapted to the needs of pupils in graded schools which shall be of practical utility, based on sound educational principles, and economical in administration. He shall also investigate and prepare a report indicating what mod-

ification of existing courses of study in graded schools should be made in the interests of pupils, and which will allow the introduction of manual training without undue expense, and without overloading the course of instruction.

To prepare report on instruction in agriculture.

SECTION 3. The said commissioner shall also prepare a further report setting forth the scope of instruction in the theory and art of agriculture, undertaken in the public schools of this and other countries, and so far as possible, the purposes and results of such instruction in the different grades of schools. He shall also report as to the body of useful knowledge available in proper form, and adapted to the purposes of instruction in this subject in the various grades of public schools, and whether in published books, manuscript or other form.

Organizing high schools for instruction in agriculture.

SECTION 4. The said commissioner shall investigate and report as to the feasibility of organizing high schools in rural communities, in which systematic instruction shall be given in the theory and art of agriculture, and if on investigation it shall appear that such schools are practicable and are desired in such communities, he shall incorporate in his report a plan for their organization.

To arouse general interest in industrial education.

SECTION 5. It shall be the duty of the commissioner by public addresses and bulletins of information, to endeavor to arouse an intelligent interest among the people of the state in the general subject of industrial education, and to interest authors and publishers in the preparation of text books adapted to the purposes of instruction in the public schools in this branch of education.

To make report to governor on findings.

SECTION 6. The commissioner shall make final report of his investigations and findings under the provisions of this act to the governor on or before January fifteenth, 1901. The state superintendent is hereby authorized to publish from time to time, such bulletins of the progress of the inquiry of the said commissioner as shall seem to him advantageous.

Compensation for duties imposed by act.

SECTION 7. The sum of three thousand dollars shall be paid annually to the said L. D. Har-

vey as compensation for the performance of the duties imposed by this act; such sum shall be paid from the amount appropriated for this purpose, in equal installments, on the last secular day of March, of June, of September and of December in each of the years 1899 and 1900. The said commissioner shall be reimbursed for all actual and necessary expenses incurred in the performance of his duties payable in the same manner and under the same conditions as the expenses of other state officers are paid.

SECTION 8. A sum of money sufficient to carry out the provisions of this act is hereby appropriated out of any money in the general fund of the treasury not otherwise appropriated.

SECTION 9. This act shall take effect and be in force from and after its passage and publication.

Approved April 7, 1899.

No. 218, S.] [Published April 11, 1899.

CHAPTER 122.

AN ACT to appropriate a certain sum of money for making necessary improvements for the enlargement of the Wisconsin veterans' home.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation of $35,000. For what to be expended.

SECTION 1. For the purpose of paying indebtedness incurred in establishing sewerage system, and extending and improving electric light plant, and to make improvements necessary to enlarge the capacity of the home, there is hereby appropriated the sum of thirty-five thousand dollars, out of any money not otherwise appropriated. The improvements are approxi-

mately as follows: to build, furnish and heat hospital, twenty thousand dollars; to build dormitory for single men, seven thousand dollars; to build dormitory for men with wives, five thousand dollars; to extend and improve waterworks system three thousand dollars.

Board of trustees to give bond. Duties of.

SECTION 2. The members of the board of trustees of said Wisconsin veterans' home, shall execute to the state of Wisconsin, a joint and several bond on their part, in the penal sum of forty thousand dollars, with two or more sufficient sureties, conditioned that they will faithfully expend and apply said moneys appropriated by this act to the several objects and purposes for which the same are appropriated, and that they will in all respects discharge their duties as such trustees. Until such bond, as is hereinbefore provided, shall be properly made and approved by the governor and filed in the executive office, no money shall be paid out of the state treasury in pursuance of the appropriation made by this act. It shall be the duty of said trustees to keep a true and accurate account of the disbursements of moneys herein appropriated and report the same to the governor in writing.

SECTION 3. This act shall not in any wise repeal or amend any of the provisions of chapter 393, laws of 1891, in so far as they are applicable to the expenditures of moneys hereby appropriated, and all reports relevant thereto, and all other duties imposed by said act are hereby continued in force in respect to appropriations herein made, in so far as the same can be applied thereto.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 8, 1899.

No. 309, S.] [Published April 11, 1899.

CHAPTER 123.

AN ACT to increase the appropriation to the commissioners of fisheries, to enable them to procure transportation for employes, fish, fry, spawn, car and materials.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation of $6,000.

SECTION 1. To enable the commissioners of fisheries to procure transportation for their employes, fish, car, spawn and fry in the distribution of the same throughout the state, there is hereby appropriated an addition of six thousand dollars annually to their appropriation under existing laws.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 8, 1899.

No. 292, S.] [Published April 11, 1899.

CHAPTER 124.

AN ACT to authorize towns, villages and cities to raise money to defray the expenses of the proper observance of memorial or decoration day.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. It shall be lawful for the boards of any town, village or city in this state at any

regular or special meeting to vote any sum of money not exceeding fifty dollars in any one year except in cities of five thousand population and over, the amounts may be not to exceed one hundred dollars in any one year, for the purpose of defraying the expenses of the proper observance of memorial or decoration day, which amount shall be assessed, levied and collected in the same manner as other expenses of said town, village or city are assessed, levied and collected, and shall be paid to the supervisor, president or mayor of such town, village or city and be disbursed by him in such manner as the town or village board or city council of such town, village or city may direct upon the vouchers properly receipted and audited by the town, village or city board; except that in any town, village or city in which there may be a post of the Grand Army of the Republic, such post may direct the manner and extent of such observance, and the supervisor or mayor shall pay the expenses thereof upon the order or orders of the commander or quartermaster of such post, which orders shall be his vouchers for such bill, and in case there may be two or more posts by concurrent action shall direct the supervisor or mayor of such town, village or city what proportion of such money so assessed shall be expended by each of such posts, which proportion shall be paid by such supervisor upon the order or orders of the commander or quartermaster of each of such posts.

Amounts to be appropriated. How assessed, levied and disbursed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 8, 1899.

No. 154, S.] [Published April 11, 1899.

CHAPTER 125.

AN ACT to prevent the unlawful and fraudulent use of transfer tickets issued by street railroad companies and to provide a penalty therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Transfers, who are entitled to.

SECTION 1. No transfer ticket, or written or printed instrument, giving or purporting to give the right of transfer to any person or persons from a public conveyance operated upon one line or route of a street railroad to a public conveyance upon another line or route of a street railroad, or from one car to another car upon the same line of street railroad, shall be issued, sold or given, except to a passenger lawfully entitled thereto.

Penalty for misuse of transfer.

SECTION 2. No person shall issue, sell or give away such a transfer ticket or instrument as aforesaid to a person or persons not lawfully entitled thereto, and any person or persons not lawfully entitled thereto who shall receive and use, or offer for passage, any such transfer ticket or instrument, or who shall sell or give away such transfer ticket or instrument to another with intent to have such transfer ticket or instrument used, or offered for passage after the time limit for its use shall have expired, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than five dollars nor more than ten dollars for each such offense.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 8, 1899.

No. 194, S.] [Published April 11, 1899.

CHAPTER 126.

AN ACT to authorize the commissioners of public lands to loan a portion of the trust funds of the state to the city of Rhinelander, Oneida county, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Loan of $30,000 authorized. Purposes of, and how made.

SECTION 1. The commissioners of the public lands are hereby authorized to loan a portion of the trust funds of this state, not exceeding thirty thousand dollars, to the city of Rhinelander, in the county of Oneida, and the said city is hereby authorized to borrow of said commissioners said amount, and to issue to said commissioners certificates of the indebtedness so contracted. The said loan shall be made to said city for the sole purpose of refunding the bonded indebtedness of said city, and shall be made in installments, as follows: The sum of three thousand dollars as soon as may be after this act shall take effect, and the sum of three thousand dollars annually on the first day of February of each year thereafter until the whole of said sum shall have been loaned, and separate certificates of indebtedness shall be issued for each of said three thousand dollar installments. The said indebtedness shall bear interest at the rate of four per cent. per annum, and said interest shall be paid annually, and each of said installments of three thousand dollars shall be paid in ten equal annual payments, the first of each installments falling due on the first day of February of the next succeeding year after said installment shall have been loaned.

Loan, how repaid.

SECTION 2. Each and every year, until the whole loan be repaid, the secretary of state shall, when he apportions the state tax among the sev-

eral counties of the state, and certifies the same to the county clerks, add to the state tax which would be properly chargeable to the county of Oneida, the annual interest due the state on such loan, together with the amount of the principal sum so loaned falling due on the first day of the following February. It shall be the duty of the county clerk of said county of Oneida, on receiving a certified statement of the amount so due from the City of Rhinelander, to include said amount in his apportionment of the state taxes to said city, and the same shall be levied and collected out of the taxable property of said city, and paid over to the county treasurer of the county of Oneida, and by him to the state treasurer, in the same way and at the same time as other state taxes are collected and paid.

Limitations as to indebtedness of Rhinelander.

SECTION 3. It is hereby provided that said city of Rhinelander shall never, during the period for which said loan shall remain unpaid, become indebted or contract debts for a greater amount, including debts heretofore contracted, as well as that herein authorized, than five per centum on the value of all taxable property in said city, to be ascertained by the last assessment for state and county taxes previous to incurring the indebtedness authorized by this act.

Common council to accept provisions of act.

SECTION 4. Before contracting any indebtedness hereunder, and before any of said trust funds shall be delivered to said city of Rhinelander, in exchange for said certificates of indebtedness, the common council of said city shall by resolution accept the provisions of this act, and the terms and limitations herein provided, and shall file with the secretary of state a copy of said resolution, certified by the clerk of said city. The certificates of indebtedness herein provided for shall be made payable to the commissioners of the public lands, and shall be signed by the mayor of said city, and countersigned by the clerk thereof. All moneys obtained in exchange for said certificates shall be used for the purpose of paying the bonded in-

debtedness of said city of Rhinelander, and for no other purpose.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 8, 1899.

No. 132, S.] [Published April 11, 1899.

CHAPTER 127.

Ch. 127
112 47

AN ACT to amend section 925–58, of the statutes of 1898, relating to presentation of claims against cities under general law.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Claims to be presented to council. Failure to allow in sixty days, deemed disallowance.

SECTION 1. Section 925–58, of the statutes of 1898, is hereby amended, by inserting after the word "demand" in the third line of said section, the words, "of any kind or character whatsoever," so that said section when so amended, shall read as follows: section 925–58. No action shall be maintained by any person against any city organized under the provisions of this chapter upon any claim or demand of any kind or character whatsoever, until he shall have first presented his claim or demand to the council for allowance and the same shall have been disallowed in whole or in part; provided, that the failure to pass upon such claim or demand within sixty days after its presentation shall be deemed a disallowance thereof.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 8, 1899.

No. 234, S.] [Published April 11, 1899.

CHAPTER 128.

AN ACT to amend section 4590 of the Wisconsin statutes of 1898, relating to obscene books, literature, papers and pictures.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

§1 C 128 '99
§1 C 256 '01
Ch. 128 1901, c 256

Obscene writing or pictures prohibited. Penalty. Exceptions.

SECTION 1. Section 4590 of the Wisconsin statutes of 1898, is hereby amended, by adding thereto the following: "Any person who shall, in a public place, or on any fence or wall, or other surface, contiguous to the public street or highway, or on the floor, or ceiling, or on the inner or outer wall, closet, room, passage, hall, or any part of any hotel, inn, or tavern, court house, church, school, station house, depot for freight or passengers, capitol or other buildings devoted or open to other or like public uses, or on the walls of any outbuildings, or other structure pertaining thereto, make or cause to be made any obscene drawing, or picture, or obscene or indecent writing, or print, liable to be seen by others passing, or coming near the same, such person so offending, shall in every such case, be guilty of a misdemeanor, and, on conviction thereof, shall be punished by imprisonment in the county jail not to exceed one year or by fine not exceeding five hundred dollars.

"Any person or persons, who shall put up, in any public place, any indecent, lewd or obscene picture or character, representing the human form in a nude or semi-nude condition, or shall advertise by circulars or posters any indecent, lewd or immoral show, play or representation, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than twenty-five dollars, nor more than three hundred

dollars; provided, that nothing in this act shall be construed as to interfere with purely scientific works, written on the subject of sexual physiology or works of art."

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved April 8, 1899.

No. 277, S.] [Published April 11, 1899.

CHAPTER 129.

AN ACT to amend subdivision 2 of section 258 and section 261 of chapter 17 of the Wisconsin statutes for the year 1898, relating to the investment of trust funds.

Ch. 129
1901, c 123

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Loans to school districts.

SECTION 1. Subdivision 2 of section 258, chapter 17 of the Wisconsin statutes for 1898 is hereby amended by inserting after the word "buildings" in the third line of said subdivision 2 the words "or refunding their indebtedness," so that said subdivision when so amended shall be and read as follows: 2. In loans to school districts in the state, or to the school directors of any town therein in which the township system of schools exists, as hereinafter provided, for the purpose of erecting school buildings or refunding their indebtedness, but for no other purpose.

Time of loan, and limitation as to amount. Interest thereon.

SECTION 2. Section 261 of the Wisconsin statutes for 1898 is hereby amended by striking out the word "ten" in the second line and inserting in lieu thereof the word "fifteen," and by striking out the word "four" in the seventh line

§2 C 129 '99
§1 C 123 '01

thereof and inserting in lieu thereof the words "three and one half" and strike out the words "in advance" in the eighth line so that said section when so amended shall read as follows: Section 261. Every loan to a school district may be made for such time, not exceeding fifteen years, and of such amount which, together with all other indebtedness of such district, shall not exceed five per centum of the last preceding assessed valuation of the real property in such district and not exceeding in any case ten thousand dollars, as may be agreed upon; the principal shall be payable in equal annual installments from a time fixed by said commissioners with interest at a uniform rate of three and one-half per centum annually. No such loan shall be made until proof be filed in the office of said commissioners of the complete performance on the part of such district of each and every act hereinafter required to precede the same.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 8, 1899.

No. 278, S.] [Published April 11, 1899.

CHAPTER 130.

AN ACT to amend section 258-a, chapter 17 of the Wisconsin statutes for the year 1898, relating to the investment of the trust funds.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Loans to town, city, village or county, how made.

SECTION 1. Section 258-a of chapter 17, Wisconsin statutes of 1898, is hereby amended by striking out the word "four" where it occurs in

the tenth line of said section, and inserting in lieu thereof the words "three and one-half," so that said section when so amended shall read as follows: Section 258–a. The loans provided for by sub-division 5 of the preceding section may be made for any term not exceeding twenty years, may be made payable in installments, and be in such amounts as shall not, in connection with all other indebtedness of the town, village, city or county applying therefor, exceed five per centum of the average assessed valuation of the taxable property therein for the three years next preceding the application for such loan; provided, that such loan may be made to pay off existing indebtedness and may be paid over in installments as fast as such indebtedness or the evidence thereof is canceled. The rate of interest on such loans shall not be less than three and one-half per centum per annum.

Commissioners authorized to loan surplus trust funds.

SECTION 2. Chapter 17, Wisconsin statutes of 1898 is hereby amended by inserting after section 258-h, in said chapter, a new section to be known as section 258–i, which shall be and read as follows: Section 258–i. The said commissioners when there is a surplus of trust funds on hand may, and they are hereby authorized and empowered to purchase for investment the interest-bearing securities of any town, village, city or county of this state, paying therefor out of said funds such price as shall net the state a rate of interest not less than three and one-half per centum per annum.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 8, 1899.

No. 337, S.] [Published April 11, 1899.

CHAPTER 131.

AN ACT relating to legislative caucuses.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

81 C 131 '99
81 C 265 '01

Ch. 131
See 1899 c 139
Relating to
libraries.

Vote to be viva voce.

SECTION 1. In any legislative caucus for the nomination of a candidate for United States senator, each member shall vote viva voce upon a call of the roll and such votes shall be entered upon the minutes of the caucus. The person receiving the number of votes required by the usages of the party holding the caucus shall be declared the nominee of such party.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 8, 1899.

No. 298, S.] [Published April 11, 1899.

CHAPTER 132.

AN ACT to amend sub-section 193 of section 925, (925-193), of the Wisconsin statutes of 1898, relating to the issue of bonds for special street improvements.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Character of bonds, interest of and proceeds from, where credited.

SECTION 1. Sub-section 193 of section 925, (925-193), of the Wisconsin statutes of 1898 is hereby amended so as to read as follows: "said bonds may be annual or semi-annual interest

coupon bonds or registered bonds without interest coupons as the common council may direct, the total issue in each case shall be payable in annual installments for a period not exceeding ten years from the date of issue, and shall draw interest at a rate not exceeding six per cent. per annum, interest payable annually or semi-annually as the common council may direct; such bonds may be of such denomination as the common council shall determine and shall be sold at not less than par. The proceeds of the sale of such bonds shall be credited by the city treasurer to the special fund for the improvement of such street or streets, and may be paid to the contractor for such work when payment is due him and the council shall so direct, or the contractor may take such bonds as payment for work done with the permission of the council.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 8, 1899.

No. 335, S.] [Published April 11, 1899.

CHAPTER 133.

AN ACT to unify and simplify the system of bookkeeping in the state offices, and make an appropriation therefor.

C 133 '99
See
C 433 '01

Ch. 133
See 1901 c 433
§ 3

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The governor, secretary of state, and state treasurer are hereby authorized to select an expert accountant for a period of not more than six months and at an expense not ex-

Appropriation of $10,000. Duties of expert accountants who are to establish system.

ceeding ten dollars a day and necessary expenses, said expenses to be audited by the governor, secretary of state and state treasurer and paid only upon their approval, and also to designate an assistant bookkeeper or accountant, to aid the said accountant in his work, for a like period, and at an expense not exceeding six dollars per day and necessary expenses. Such accountants shall be furnished with a room in the capitol, and such stationery and office supplies as shall be necessary for the prosecution of their work. It shall be their duty to make a thorough study and examination of the methods now employed in all the executive departments and state offices in respect to the keeping of books and accounts, and for that purpose all state officers and heads of departments, and all clerks and employes in the state offices and departments shall afford them access to all books, papers, accounts and transactions relating to bookkeeping and the keeping of accounts in the respective offices and departments, and they shall also be afforded such assistance by way of clerical help and the work of stenographers and typewriters as shall be expedient in order to enable them to fully understand the needs of all of said offices and departments, with a view to securing uniformity and system in the bookkeeping methods of the state. Such assistance shall be furnished without additional cost to the state.

System reported to be adopted by heads of departments, when properly certified to them.

SECTION 2. It shall be the duty of said accountant and his assistant to make the examination provided for in section 1 of this act, and to prepare and submit to the governor, secretary and treasurer, recommendations in respect to the best method of securing uniformity and system in keeping the books and accounts of the state, and they shall also submit a complete plan or system of bookkeeping applicable to all the offices and departments in the capitol, and which shall in their judgment be the most efficient in order to secure the results herein referred to. The governor, secretary of state and state treas-

urer shall examine the said recommendation plan and system and may adopt and approve the same, with such modifications as they shall deem best, and when so adopted, the same shall be put in force and employed in all the state offices and departments to which it shall be applicable, and upon such adoption it shall be the duty of each state officer and each head of a department to whom the said plan and system shall be certified by the governor, secretary and treasurer as applicable to his office, to adopt and employ the same in his office or department as soon as the necessary books, blanks and accounts can be prepared for that purpose.

SECTION 3. There is hereby appropriated out of any money in the treasury not otherwise appropriated a sum sufficient to carry out the provisions of this act.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 8, 1899.

No. 21, A.] [Published April 11, 1899.

CHAPTER 134.

AN ACT to provide for the construction of a dam across Elk Creek, in the county of Dunn.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. James E. Rork, his associates, heirs and assigns, are hereby authorized and empowered to erect and maintain a dam across Elk Creek in the northwest quarter of the northeast quarter of section twelve, in township twenty-seven north, range eleven west, in the town of

Erection of dam authorized.

Spring Brook, in the county of Dunn, and to erect and maintain mills, machinery, and necessary appendages to enable him or them to use the water of said creek for milling and manufacturing purposes.

Damages from flowage, by whom paid.

SECTION 2. Nothing in this act shall be so construed as to authorize said James E. Rork or his successors to flow the lands of any individual or corporation to the injury of the owner thereof, without full and just compensation therefor, in accordance with the law governing in such cases; but the said James E. Rork or his successors shall pay in full all damages accruing from such flowage, when they shall be determined either by agreement of the parties or by due process of law.

SECTION 3. The right to repeal or amend this act, is hereby reserved.

SECTION 4. This act shall take effect and be in force, from and after its passage and publication.

Approved April 8, 1899.

No. 154, A.] [Published April 11, 1899.

CHAPTER 135.

AN ACT to amend section 1529f, of the Wisconsin statutes of 1898, relating to the soldiers' relief fund.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Salary of commissioners.

SECTION 1. Section 1529f, of the revised statutes of 1898 is hereby amended by striking therefrom the words, "which had at such time, a population of thirty thousand or over," in the twelfth line thereof.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved April 8, 1899.

No. 165, A.] [Published April 11, 1899.

CHAPTER 136.

AN ACT to authorize the recovery of the value of the relief and support furnished under chapter 63, Wisconsin statutes of 1898, relating to the relief and support of the poor in case the person receiving such relief and support is, or becomes the owner of property.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Cost of support a claim against person receiving it.

SECTION 1. If any person who has heretofore or who may hereafter receive any relief and support under chapter 63, Wisconsin statutes of 1898, from any county, town, city, or other municipal corporation of this state, was at the time of receiving such relief or support the owner of property, the value of such relief and support shall be deemed a legal and valid claim and debt against such person and the county, town, city or other municipal corporation furnishing such relief and support may sue for and collect the value of the same against such person.

Statutes of limitations not pleadable.

SECTION 2. In all such actions by such county, town, city or other municipal corporation, the statutes of limitation shall not be pleaded in defense thereto.

Records prima facie evidence.

SECTION 3. The books and records kept by the proper officers of such county, town, city or other municipal corporation for the purpose of

showing the names and the value of the relief and support furnished under chapter 63, Wisconsin statutes of 1898, shall be prima facie evidence of the value and amount of such relief and support.

SECTION 4. This act shall take effect and be in force, from and after its passage and publication.

Approved April 8, 1899.

No. 143, A.] [Published April 11, 1899.

CHAPTER 137.

AN ACT to authorize the Menasha Wooden Ware Company, its successors and assigns, to build, construct and maintain a wagon bridge across the north channel or branch of the Fox river, in the city of Menasha.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Bridge authorized with approval of U. S. authorities.

SECTION 1. The Menasha Wooden Ware company, a corporation organized and existing under the laws of this state, its successors and assigns, are hereby authorized to build, construct and maintain, for the use of itself, its successors and assigns, a wagon bridge over and across the north channel or branch of the Fox river, in the city of Menasha, from any point on the north bank of such channel or branch, in block number twelve, in the second ward of said city, west of the railroad bridge of the Wisconsin Central railroad across such branch, to any point on the south bank of such channel or branch in fractional lot four of section twenty-two, in township twenty north, of range seven-

teen east, in the third ward of the city of Menasha; said channel or branch at such point not being actually navigable for steamboats and other vessels; and for such purpose may drive piles, sink cribs, erect piers, embankments and approaches, and do all things necessary for the proper building, construction and maintenance of such bridge; provided that such bridge shall be built, constructed and maintained subject to the approval of the secretary of war of the United States, or United States engineer designated and in charge of the improvements of said Fox river.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved April 8, 1899.

No. 446, A.] [Published April 11, 1899.

CHAPTER 138.

AN ACT to appropriate a sum of money to persons therein named, for expenses incurred as legislative visiting committee to state institutions.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, for expenses incurred as visiting committee of the legislature for the year 1898 and 1899 to state institutions, to C. H. Baxter, W. G. Wheeler and P. H. Cashin, the sum of one hundred dollars each. Appropriating $300.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved April 8, 1899.

No. 386, A.] [Published April 11, 1899.

CHAPTER 139.

Ch. 139
See 1901 c 265

AN ACT to provide for the wider circulation of the books of free libraries.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Jurisdiction of free libraries enlarged. May establish traveling libraries.

SECTION 1. Section 934 of the Wisconsin statutes of 1898, is hereby amended by adding after the words "either permanently or temporarily" the words "and may send out traveling libraries in their own or adjoining counties" and by adding after the words "in which the library is situated" the words "or with the board of supervisors of any neighboring county, or with individuals or associations," and by adding after the words "or with the board of supervisors" the words "school board," and after the words "of any neighboring town" the words "school district," and after the words "the books of said library," the words "singly or in traveling libraries," and after the words "residents of said county, town" the words "school district," and after the words "county or town supervisors," the words "school board," and after the words "out of the county," the words "school district," so that the section as amended shall read as follows: Section 934. Every library and reading room established under this chapter, shall be forever free for the use of the inhabitants of the city, town or village where located, subject to

such reasonable rules and regulations as the library board may find necessary to adopt and publish in order to render the use of said library and reading room, of the greatest benefit to the greatest number; and they may exclude and cut off from the use of said library and reading room, any and all persons who shall wilfully violate such rules; provided that the board of directors of such library and reading room may, under such rules and regulations as they may deem necessary, and upon such conditions as may be agreed upon, allow non-residents of the city, town or village in which the library or reading rooms are situated, to use the books therein, and may exchange such books with any other public library, either permanently or temporarily, and may send out traveling libraries in their own and adjoining counties; and any such board may contract with the board of supervisors of the county in which the library is situated, or with the board of supervisors of any neighboring county, or with individuals or associations, or with the board of supervisors, school board, village trustees or common council of any neighboring town, school district, village or city, to loan the books of said library, singly or in traveling libraries, to the residents of said county, town, school district, village or city, upon the terms agreed upon in such contract; and every such board of directors, board of county or town supervisors, school district board, village trustees or common council is hereby empowered to make contracts for such purpose, and to pay the consideration agreed upon therein, to the board of directors of such library and reading room, out of the county, school district, town, village or city treasury, upon the rendering of the proper accounts therefor.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved April 8, 1899.

No. 197, A.] [Published April 11, 1899.

CHAPTER 140.

AN ACT to amend section 1263 of the Wisconsin statutes of 1898, relating to damages on highways.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Limitations as to where highways may be laid out.

SECTION 1. Section 1263 of the revised statutes, is hereby amended so as to read as follows: Section 1263. No public highway shall be laid out through or upon any orchard or garden or any building or fixture used for the purpose of trade or manufacture, when the damage caused thereby to such orchard, garden, building or fixture, exclusive of the damage to the land, shall exceed seventy-five dollars. Or through or upon any building, fixture, yard or inclosure used for educational or charitable purposes or through or upon any other building or fixture where the value of said building or fixture exceeds seventy-five dollars. Or through or upon the yard or inclosure necessary to the use or enjoyment thereof, without the consent of the owner, or through any cemetery without the consent of the trustees or other officers having the control or management thereof.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved April 8, 1899.

No. 504, A.] [Published April 11, 1899.

CHAPTER 141.

AN ACT to authorize L. M. Washburn, his heirs or assigns, to construct and maintain a dock or pier in the waters of Sturgeon Bay, in Door county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. L. M. Washburn, his heirs or assigns, are hereby authorized and empowered to construct and maintain a dock or pier extending into the waters of Sturgeon Bay, in front of, and appurtenant to, lot number one, subdivision number seventy-six, in the city of Sturgeon Bay, Door county, state of Wisconsin. Where dock may be erected.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved April 8, 1899.

No. 477, A.] [Published April 11, 1899.

CHAPTER 142.

AN ACT to authorize N. S. Washburn and L. M. Washburn, their heirs or assigns, to construct and maintain a dock or pier in the waters of Sturgeon Bay, in Door county

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. N. S. Washburn and L. M. Washburn, their heirs or assigns, are hereby author- Where dock may be erected.

ized and empowered to construct and maintain a dock or pier, extending into the waters of Sturgeon Bay, in front of and appurtenant to block number thirty-five in the city of Sturgeon Bay, Door county, state of Wisconsin.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved April 8, 1899.

No. 104, S.] [Published April 11, 1899.

CHAPTER 143.

AN ACT relating to the annual statement of taxes levied in each town, village, city and county to be made by the clerk thereof to the secretary of state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Where to report.

SECTION 1. Annually, on and before the thirty-first day of December, a statement in detail of all taxes levied in each town, village, city and county during the calendar year, shall be made and filed by the clerk thereof, with the secretary of state.

Penalty for failure.

SECTION 2. Any such clerk failing to make the statement herein provided for, shall forfeit twenty-five dollars.

Statistics for 1898, how secured.

SECTION 3. The secretary of state shall prepare and furnish the blanks for such statement.

SECTION 4. The secretary of state within thirty days after this act shall take effect, shall call for and such clerks within sixty days thereafter shall make such statement for the year 1898.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 10, 1899.

No. 16, A.] [Published April 11, 1899.

CHAPTER 144.

AN ACT authorizing Frank W. Epley, Henry Floy and George M. Brill to build and main- a dam across Apple river.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Frank W. Epley, Henry Floy and George M. Brill and their assigns, are hereby authorized to add to, maintain, reconstruct and repair a dam across Apple river, on the southeast quarter of the southeast quarter of section thirty-five, township thirty-one north, of range nineteen west, of the fourth principal meridian, in the county of St. Croix, said dam to be maintained for the purpose of the improvement of navigation, the manufacture of flour, feed and other milling products and the transmission of electric power; provided that the said dam shall not raise the water to exceed twenty-four feet. This act may be amended or repealed by the legislature at any time hereafter.

Where dam may be maintained. Limitation as to flowage.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved April 10, 1899.

No. 139, S.] [Published April 12, 1899.

CHAPTER 145.

AN ACT to amend section 1987 of the Wisconsin statutes of 1898, relating to police and fire department relief associations.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Associations, how formed. Qualifications necessary to members. Fees, benefits, etc. Powers of association.

SECTION 1. Section 1987 of the Wisconsin statutes of 1898 is hereby amended by adding after the word "organized" in the second line of said section, the following: "who comply with the constitution and by-laws of such organization," and by adding after the word "service," in the thirteenth line of said section, the following: "provided that all persons becoming members of such association on and after the first day of May, 1899, shall not be entitled to any of the advantages and benefits of said association from and after the time when they cease to be active members of the police or fire department of any city as aforesaid," so that said section when amended shall read as follows: section 1987. The members of the paid fire or police department in any city heretofore or hereafter organized, who comply with the constitution and by-laws of such organization, are constituted a body corporate in such city under the name of "The Firemen Relief Association of the city of .....," or "The Policemen Relief Association of the city of .....," as the case may be, for the purpose of giving relief to the sick and disabled members of such association and their families and to the persons dependent upon the deceased members thereof, but no others. In case any member of such association shall cease to act with the fire or police department of which he has been a member, after five years of service, he shall continue to enjoy all the advantages and

benefits of the association as long as he complies with the rules, regulations and by-laws of the same and pays his dues, unless the connection of such person with either of said departments was discontinued for the good of the service, provided that all persons becoming members of such association on and after the first day of May, 1899, shall not be entitled to any of the advantages and benefits of said association from and after the time when they cease to be active members of the police or fire department of any city as aforesaid. Each person on becoming a member of either of said departments may be required to pay an initiation fee not exceeding fifty dollars and annual dues so long as he remains a member. Every such association shall have all the usual powers of a corporation necessary and proper for the purposes of its organization, and may take by gift, grant, or purchase real and personal estate, and hold, enjoy, lease, convey and dispose of the same, subject to its by-laws and regulations; and all such property and the rents, issues and profits thereof shall be devoted solely to the purposes and objects of such corporation.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 10, 1899.

No. 157, S.] [Published April 12, 1899.

CHAPTER 146.

AN ACT to amend section 4425 of the Wisconsin statutes of 1898 in reference to warehouse receipts.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Holders of ware-house receipts protected. Negotiability of receipts defined.

SECTION 1. Section 4425 of the Wisconsin statutes of 1898 is hereby amended by adding to the said section the following: "And any warehouse receipt issued by any person or persons keeping, running and managing a public warehouse, on goods, wares or merchandise owned by him or them, and which he or they have, at the time of issuing such warehouse receipt, actually stored in the said warehouse, shall have the same force and effect to protect the owner and holder thereof on any loan or advance of money he may have made on the same, as a warehouse receipt to any other person who brings goods, wares or merchandise to be stored in such public warehouse," so that the said section 4425 when so amended shall read as follows: Section 4425. Any such receipt, bill of lading, voucher or other document as is mentioned in the preceding section shall be transferable by delivery thereof without indorsement or assignment, and any person to whom the same is so transferred shall be deemed and taken to be the owner of the property therein specified so far as to give validity to any pledge, lien or transfer made or created by such person unless such receipt, bill of lading, voucher or other document shall have the words "not negotiable" plainly written or stamped on the face thereof. And any warehouse receipt issued by any person or persons keeping, running and managing a public warehouse, on goods, wares or merchandise owned

by him or them, and which he or they have, at the time of issuing such warehouse receipt, actually stored in the said warehouse, shall have the same force and effect to protect the owner and holder thereof on any loan or advance of money he may have made on the same, as a warehouse receipt issued by the keeper and manager of a public warehouse to any other person who brings goods, wares or merchandise to be stored in such public warehouse.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 10, 1899.

No. 315, S.] [Published April 12, 1899.

CHAPTER 147.

AN ACT to authorize the transfer of moneys from the trust funds to the general fund of the state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The secretary of state, state treasurer and attorney general, by and with the consent of the governor, are hereby authorized to transfer from the trust funds of the state to the general fund, in case it may become necessary to meet the expenses of the state government, a sum sufficient for this purpose, to be re-transferred to the trust funds from the general fund as soon as the tax is collected in 1900 and 1901.

Trust fund may be transferred on consent of governor.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 10, 1899.

No. 212, S.] [Published April 12, 1899.

CHAPTER 148.

AN ACT relating to superintendents of city schools.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Certificates may be issued to teach certain branches.

SECTION 1. Any city superintendent of schools may issue certificates to teachers of special branches, qualifying them to teach such branches in the schools under his supervision, after such examination as to their fitness to teach such branches as may be provided by the school board and approved by the state superintendent.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 10, 1899.

No. 359, S.] [Published April 12, 1899.

CHAPTER 149.

AN ACT relating to a tax on the property in this state of freight line companies and amendatory of chapter 113 of the laws of 1899.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 4 of chapter 113 of the laws of 1899 is hereby amended by striking out the word "within" where it occurs in paragraph

(a) of said section and inserting in lieu thereof the word "without," so that said paragraph (a) when so amended shall read as follows:

(a) It shall find, ascertain and determine the actual value in money of the entire amount of the capital stock of such freight line company; and from the amount so obtained and determined it shall deduct the actual value of all its real estate without this state; and the remainder shall be taken and considered as the actual value of the capital stock of such company.

Value of capital stock, how ascertained.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 10, 1899.

No. 343, S.] [Published April 12, 1899.

CHAPTER 150.

AN ACT relating to the board of trustees of the Milwaukee Hospital for the Insane, and amendatory of section 604s of the statutes of 1898.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 604s of the statutes of 1898 is hereby amended by striking out that part thereof, commencing with the first word of said section, down to the words, "successors shall qualify," including said words in the fourteenth line thereof, and by inserting in lieu thereof, the following: "The board of trustees of Milwaukee Hospital for the Insane, by which name said hospital shall hereafter be known, shall consist of seven members to be appointed by the governor. Each shall hold his office for

Number of trustees; terms of office; how appointed. Present board declared legal.

the term of seven years from the first day of May in the year in which he shall be appointed and until his successor shall be appointed. The present acting board of trustees of said Milwaukee Hospital for the Insane, consisting of seven members appointed by the governor, is hereby declared to be legal in all respects, and the members thereof shall hold their office for the terms for which they were respectively appointed. The governor is authorized to fill by appointment all vacancies in the membership of said board, but such appointments shall be only for the unexpired term of the member whose place is filled," so that when amended said section shall read as follows: Section 604s. The board of trustees of Milwaukee Hospital for the Insane, by which name said hospital shall hereafter be known, shall consist of seven members to be appointed by the governor. Each shall hold his office for the term of seven years from the first day of May in the year in which he shall be appointed and until his successor shall be appointed. The present acting board of trustees of said Milwaukee Hospital for the Insane, consisting of seven members appointed by the governor, is hereby declared to be legal in all respects, and the members thereof shall hold their office for the terms for which they were respectively appointed. The governor is authorized to fill by appointment all vacancies in the membership of said board, but such appointments shall be only for the unexpired term of the member whose place is filled. Such board of trustees may exercise all the powers conferred upon boards of trustees of county asylums and be governed by all the laws relating to the care and maintenance of such asylums, except that they shall receive no compensation for their services. The treasurer of Milwaukee county shall be the treasurer of said hospital upon such conditions as the county board may prescribe, and shall receive as compensation for his services as hospital treasurer a sum to be fixed by the county

board, not to exceed five hundred dollars per year.

SECTION 2. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 11, 1899.

No. 44, S.] [Published April 12, 1899.

CHAPTER 151.

AN ACT relating to the appointment and salaries of under sheriff and deputy sheriffs in all counties in this state having a population of more than one hundred thousand.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

One under and eighteen deputy sheriffs authorized. Salary of.

C 151 '99 Repealed §2 C 217 '01

Ch. 151 Repealed. 1901 c 217 § 2

SECTION 1. The sheriff of every county having a population of more than one hundred thousand according to the last national census is hereby authorized to appoint one under sheriff whose salary shall be one thousand eight hundred dollars per annum, to be paid monthly out of the treasury of said county; and eighteen deputy sheriffs, of whom one shall act as clerk in the sheriff's office; the said deputy sheriffs shall receive a salary of one thousand dollars per annum, excepting the one acting as clerk in the sheriff's office, who shall receive fifteen hundred dollars per annum. One of such deputies shall be assigned to the office of the district attorney of said county, and shall be subject to the orders of the district attorney. The salaries of the said eighteen deputy sheriffs, shall be paid

monthly out of the treasury of said county, and the salaries so paid to said under sheriff and said deputy sheriffs shall be in lieu of all fees per diem and other emoluments of whatever kind and nature heretofore allowed by law.

Appointments in 1899 declared legal.

SECTION 2. In all counties where the sheriff of said county has made his appointments in accordance with the provisions of this act, in the year 1899, said appointments are hereby declared legal, the same as if made after the passage of this act, and all under sheriffs and deputy sheriffs so heretofore appointed, shall be paid as fixed herein from the date of their appointment and their acts are hereby legalized.

SECTION 3. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 11, 1899.

No. 334, S.] [Published April 12, 1899.

CHAPTER 152.

C 152 '99 See C 409 '01

Ch. 152 See 1901 c 409

AN ACT authorizing the appointment of assistant factory inspectors and to make an appropriation therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Six assistant inspectors authorized.

Ch. 152 § 1 05 c 338

SECTION 1. The commissioner of labor and industrial statistics shall have power to appoint six suitable persons as assistant factory inspectors who shall perform their duties under his direction and who may be removed by him for cause.

SECTION 2. Each of the said assistant factory inspectors shall be paid a salary at the rate of one thousand dollars per annum together with necessary traveling expenses to be paid out of money in the general fund not otherwise appropriated. Salaries of.

SECTION 3. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 11, 1899.

No. 26, S.] [Published April 12, 1899.

CHAPTER 153.

AN ACT to provide compensation for the officiating chaplains of the senate and assembly for the session of 1899.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated to each and every clergyman who has or may hereafter officiate as chaplain of the senate and assembly the sum of fifteen dollars for each week of such service during the sessions of the legislature for the year 1899. The payments shall be made upon the certificates of the chief clerks of the senate and assembly showing the amount to which each such chaplain is entitled. Fifteen dollars for each week's service appropriated.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 11, 1899.

No. 91, S.] [Published April 12, 1899.

CHAPTER 154.

AN ACT to grant relief to George H. Ashforth for injuries received at Camp Douglas while in camp of instruction in 1891, and making an appropriation therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriating $700.

SECTION 1. There is hereby appropriated to George H. Ashforth, formerly commissary sergeant of the Third regiment of the Wisconsin national guard, the sum of seven hundred dollars, for injuries received while on duty as such soldier in August, 1891, to be paid out of any money in the treasury not otherwise appropriated.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 11, 1899.

No. 130, A.] [Published April 13, 1899.

CHAPTER 155.

§1 C 155 '99
§1 C 57 '01

Ch. 155
1901, c 57

AN ACT to amend sections 706 and 711 of the statutes of 1898 relating to the providing of salaries for deputy county clerk and deputy county treasurer.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 706 of the statutes of 1898 is hereby amended by adding thereto "and

the county board may, in its discretion, at its annual meeting or at any special meeting, provide a salary for such deputy, which shall be paid at the same time and in the same manner as county officers. In counties having a population exceeding one hundred and fifty thousand according to the last state or national census, such clerk may also by and with the consent of the board of supervisors who shall fix their salaries, appoint three assistants in his office, who shall be known as chief clerk, assistant, and stenographer, who shall be paid as other county officers and employes are paid, and such clerk and his sureties shall be liable upon his bond for the acts of such assistants so appointed;" said section when amended shall read as follows: Section 706. Every such clerk shall appoint a deputy in writing under his hand, and shall file such appointment in his office; and such deputy clerk shall aid in the performance of the duties of such clerk, under his direction, and in case of his absence or disability or of a vacancy in his office, shall perform all the duties of such clerk during such absence or until such vacancy shall be filled, and every such clerk and his sureties shall be liable upon his official bond for the acts of his deputy; and the county board may in its discretion, at its annual meeting or at any special meeting provide a salary for such deputy, which shall be paid at the same time and in the same manner as county officers. In counties having a population exceeding one hundred and fifty thousand according to the last state or national census, such clerk may also by and with the consent of the board of supervisors who shall fix their salaries, appoint three assistants in his office, who shall be known as chief clerk, assistant, and stenographer, who shall be paid as other county officers and employes are paid, and such clerk and his sureties shall be liable upon his bond for the acts of such assistants so appointed.

County board may provide a salary for deputy clerks. Method of appointment of deputy.

SECTION 2. Section 711 of the statutes for 1898 is hereby amended by adding thereto "and

County board may provide salary for deputy treasurers. Powers of deputy.

the county board may, in its discretion at its annual meeting, or at any special meeting, provide a salary for such deputy which shall be paid at the same time and in the same manner as county officers;" so that said section when amended shall read as follows: Section 711. The county treasurer may appoint a deputy to aid him in the discharge of the duties of his office, and who, in the absence of the treasurer from his office or in case of a vacancy in said office or any disability of the treasurer to perform the duties of his office, may perform all the duties of the office of treasurer until such vacancy be filled or such disability be removed. Such appointment shall be made in writing, and the person so appointed shall take and subscribe, as such deputy, the oath of office prescribed by the constitution, and file the same, together with his appointment with the county clerk; and the county board, may in its discretion, at its annual meeting or at any special meeting, provide a salary, for such deputy which shall be paid at the same time and in the same manner as county officers.

SECTION 3. This act shall take effect and be in force, from and after its passage and publication.

Approved April 11, 1899.

No. 325, S.] [Published April 12, 1899.

CHAPTER 156.

AN ACT to amend sections 2012, 2014-1, 2014-10 and 2014-12 of the Wisconsin statutes of 1898, relating to mutual loan and building associations.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Limitations of capital stock. How issued.

SECTION 1. Section 2012 of the Wisconsin statutes of 1898 is hereby amended by adding to said section the following provision: "except, that when the demand for loans exceeds the income of the association applicable for loans, then the association may issue its paid up stock to an amount sufficient to meet such demand for loans, but no person shall become the owner of shares exceeding in par value the sum of twenty-five hundred dollars. When such association shall accumulate funds in excess of its requirements for loans, then such paid up stock shall be retired in such manner as the by-laws provide or as the board of directors may determine," so that said section when so amended shall read as follows: "section 2012. The capital stock of any such association shall not exceed five million dollars; the same may be issued in one or more successive series in such amount, in the absence of a provision in the by-laws, as the directors may determine, but no series shall exceed five hundred thousand dollars nor one-tenth of the aggregate capital stock. The capital stock shall be divided into shares of not less than twenty-five dollars nor more than two hundred dollars each, payable in periodical installments, called dues, not exceeding two dollars each per share; except, that when the demand for loans exceeds the income of the association applicable for loans, then the association may issue its paid up

stock to an amount sufficient to meet such demand for loans, but no person shall become the owner of shares exceeding in par value the sum of twenty-five hundred dollars. When such association shall accumulate funds in excess of its requirements for loans, then such paid up stock shall be retired in such manner as the by-laws provide or as the board of directors may determine.

Unpledged shares, how withdrawn.

SECTION 2. Amend section 2014-1 of said statutes by striking out the words where they occur in said section, "and other charges, and in the order of his respective turn of presenting such notice," and inserting in lieu thereof the following, "charges and losses accrued or contingent to the time of the notice of withdrawal, as the board of directors may determine, with no interest or profits from the time of such notice;" so that said section when so amended shall read as follows: section 2014-1. A member may withdraw his unpledged shares at any time by giving thirty days' written notice of such intention, and shall then be entitled to receive the amount of dues paid in by him, and such proportion of the profits as the by-laws may prescribe, less all fines, charges and losses accrued or contingent to the time of the notice of withdrawal, as the board of directors may determine, with no interest or profits from the time of such notice; but at no time shall more than one-half of the funds in the treasury be applicable to the demands of withdrawing members without the consent of the directors.

Dividends, how ascertained and declared. Examination of condition, how made.

SECTION 3. Section 2014-10 of said statutes is hereby amended so as to read as follows: section 2014-10. Expenses, contingent fund, dividends.—Quarterly, semi-annually or annually, as may be specified in the by-laws, the gross earnings of the association shall be ascertained, from which shall first be deducted the expenses of the association, and from the balance shall be set aside at least five per cent. as a fund for the payment of contingent losses. The balance of the

profits shall be declared as a dividend, and the proportionate amounts may be placed to the credit of holders of installment stock, and holders of paid up stock may receive their dividend in cash (as provided in the by-laws); provided, that if at the time of such dividend period there be not a sufficient amount in the contingent fund for the payment of losses then existing, no dividend shall be declared until all losses have been fully paid. Before any dividend shall be declared, at least five per cent. of the net profits shall be set aside as a fund for the payment of contingent losses, until such fund reaches at least five per cent. of the outstanding loans. All losses shall be paid out of such fund until the same is exhausted, and whenever said fund falls below five per cent. of the loans aforesaid it shall be replenished by regular appropriations of at least five per cent. of the net earnings, as hereinbefore provided, until it again reaches said amount. At the close of such fiscal year, and at such other time as the bank examiner may direct or the board of directors may determine, it shall be the duty of the president to appoint a committee of five, three of whom shall be members of the board of directors, and two shall be stockholders, not directors, the duty of which committee shall be to schedule the assets of the association, fix their value and determine any losses which may have been sustained, and make a report of all their findings to the board of directors. It shall thereupon be the duty of the board of directors to charge off all losses so reported, and if there be not a sufficient amount in the contingent fund and the net profits for the period for the payment of such losses, then such losses, or the balance unpaid, shall be apportioned according to the number of all shares outstanding, and the proportionate amount shall be charged to each member.

SECTION 4. Section 2014–12. All associations formed under this or other similar law, or authorized to transact in this state a business

Associations under supervision of bank examiner. Reports to, how made.

similar to that authorized to be done by this chapter, shall be under the control and supervision of the bank examiner. Every such corporation, on the thirty-first day of December of each year, shall make a full and detailed report of its business done the preceding year, and of its condition on such date, in such form and containing such information as said examiner may prescribe, and shall file with him a true and verified copy thereof within thirty days thereafter; accompanying the same shall be attached a copy of the statement of the association at the close of its last fiscal year, and an affidavit of the secretary of said association showing that a true copy of said statement was delivered or mailed to each member. If any such association shall fail or refuse to furnish the report herein required it shall forfeit the sum of ten dollars per day for each and every day such report shall be withheld, and said examiner may maintain an action in the name of the state to recover such penalty, and the same shall be paid into the state treasury.

SECTION 5. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved April 11, 1899.

No. 69, A.] [Published April 13, 1899.

CHAPTER 157.

AN ACT to permit The Security Savings Bank of La Crosse, Wisconsin, to reduce the capital stock of the said The Security Savings Bank of La Crosse, Wisconsin, a corporation duly organized under the statutes of the state of Wisconsin for the year 1878, and the acts amendatory thereof and supplementary thereto, entitled "of banks and banking," from fifty thousand dollars to thirty thousand dollars.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Preamble. Whereas, The Security Savings Bank of La Crosse, Wisconsin, was, on the twenty-third day of December, 1893, duly organized and incorporated as a banking association under chapter 94 of the revised statutes of the state of Wisconsin for the year 1878, entitled, "of banks and banking," and the acts amendatory thereof and supplementary thereto, with a capital stock of twenty-five thousand dollars; and,

Preamble. Whereas, the capital stock of the said The Security Savings Bank of La Crosse, Wisconsin, was, on the twenty-sixth day of February, 1894, duly and regularly increased to the sum of fifty thousand dollars, in accordance with the provisions contained in the articles of incorporation of said corporation, and pursuant to the laws of this state; and,

Preamble. Whereas, at a regular meeting of the stockholders of the said The Security Savings Bank of La Crosse, duly held at the place of business of said bank in said city of La Crosse, on the fourth day of January, 1899, a resolution was duly adopted by a majority of the stock of said banking association authorizing a reduction of the

capital stock of said association from fifty thousand to thirty thousand dollars; and,

Preamble.

Whereas, the president and cashier of said bank have furnished to the secretary of state of this state a certificate of such vote, in compliance with the laws of this state, which said certificate is now on file with said secretary of state.

Reduction from $50,000 to $30,000 authorized.

SECTION 1. Permission is hereby given to The Security Savings Bank of La Crosse, Wisconsin, a banking association duly organized under the laws of this state, to reduce its capital stock from fifty thousand dollars to thirty thousand dollars.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved April 12, 1899.

No. 326, S.] [Published April 13, 1899.

CHAPTER 158.

AN ACT relating to the duties of factory inspectors and amendatory of section 1021f of the statutes of 1898.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Inspectors to investigate mercantile establishments.

SECTION 1. Section 1021f of the statutes of 1898, is hereby amended by inserting the words "mercantile establishment" after the word "factory," and the words "or women" after the word "laborers" in the third line of said section; the words "or for suitable seats for women" after the word "operatives" in the sixth line of said section, the words "such seats for women" after the word "employees" in the ninth line of said section and the words "mercantile establishment" after the word "factory" in the tenth and twelfth

lines of said section so that said section when so amended shall read as follows: section 1021f. The commissioner, his deputy, the factory inspector and the assistant factory inspector may enter any factory, mercantile establishment or workshop in which laborers or women are employed, for the purpose of obtaining facts and statistics, examining the means of escape therefrom in case of fire and the provisions made for the health and safety of operatives or for suitable seats for women therein. If any such officer shall learn of any violation of or neglect to comply with the law in respect to the employment of children, the hours of labor for them or for women, or in reference to fire escapes or the safety of employees, or such seats for women, he shall give written notice to the owner or occupant of such factory, mercantile establishment or workshop, of such offense or neglect, and if the same is not remedied within thirty days after the service of such notice, such officer shall give the district attorney of the county in which such factory, mercantile establishment or workshop is situated, formal notice of the facts, whereupon that officer shall immediately institute the proper proceedings against the person guilty of such offense or neglect.

To notify district attorneys of violations.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 12, 1899.

No. 187, S.] [Published April 13, 1899.

CHAPTER 159.

AN ACT authorizing the adjutant general to audit outstanding accounts against certain companies of the Wisconsin National Guard, and making an appropriation therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Allowance for 1898 to be paid certain companies.

SECTION 1. The adjutant general is hereby authorized to audit vouchers for the payment of the annual allowance for 1898, not already paid, for the companies that constituted the Third Regiment and companies "D", "E", "G" and "H" of the Fourth Regiment of the Wisconsin National Guard, provided that said companies shall reorganize and re-enter the Wisconsin National Guard within thirty days after the passage and publication of this act.

Accounts of certain companies in service of U. S. in 1898, to be paid under certain conditions.

SECTION 2. The adjutant general is hereby authorized to audit the outstanding accounts of the companies of the Wisconsin National Guard which entered the service of the United States in 1898, and have since failed and shall fail for thirty days after the passage of this act to reorganize and re-enter the service of the state. Said accounts shall be audited by the adjutant general and when approved by the governor shall be paid in the order of their presentation, provided that the total amount paid for any one company shall not exceed the annual allowance of such company for the year 1898 had it remained in the Wisconsin National Guard.

Appropriation.

SECTION 3. There is hereby appropriated from the general fund of the treasury of the state of Wisconsin, not otherwise appropriated, a sufficient sum to carry out the provisions of this act.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 12, 1899.

No. 215, S.] [Published April 13, 1899.

CHAPTER 160.

AN ACT to amend section 2449 of chapter 114 of the Wisconsin statutes of 1898 relating to county courts.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Terms of court. When held. Special terms.

SECTION 1. Section 2449 of the Wisconsin statutes of 1898 is hereby amended by striking out the following words therefrom where they occur as the last line of said section "when previous notice is not required to be given to the persons interested," so that said section when so amended shall read as follows: section 2449. A regular term of the county court shall be held on the first Tuesday of each month, except the months of July and August, and a special term of said court may be held on each other Tuesday of each month or upon any day of said months of July and August. The regular and special terms of said court may be adjourned from time to time as occasion may require, and in case any matter shall not be heard at the term appointed for hearing the same it shall stand continued until the next regular term of court unless the court shall otherwise order; but every county court shall be deemed open at all times for the transaction of any business therein.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 12, 1899.

No. 332, S.] [Published April 13, 1899.

Ch. 161
See 1899 c 238

CHAPTER 161.*

AN ACT to increase the efficiency of the state library commission and to make an appropriation therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

To conduct summer school of library science, traveling libraries, etc.

SECTION 1. The state library commission is hereby empowered to conduct a summer school of library science in connection with the summer school of the University of Wisconsin, and to hold librarians' institutes in various parts of the state in order to train librarians of public, school and traveling libraries to make wiser and more effective use of the libraries in their charge. The commission is also authorized to accept, arrange and circulate books, traveling libraries and pictures to be loaned to public libraries, traveling library associations, study clubs, farming communities, charitable and penal institutions, and individuals, under such conditions and restrictions as shall make them of the greatest good to the greatest number. In order to care for such traveling libraries, to bind periodicals for them, to encourage the growth of study clubs in connection with them, to train librarians to be better educators, to aid more efficiently in the proper organization of new libraries, and to aid in building up a better system of popular education for people who have

* See chapter 238, laws of 1899.

finished their education in the schools, there is hereby annually appropriated to the state library commission, in addition to such sums as have been heretofore appropriated, the sum of three thousand and five hundred dollars, and any balance not expended in any one year may be added to the expenditure for any ensuing year.

Annual appropriation of $3,500.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 12, 1899.

No. 261, S.] [Published April 13, 1899.

CHAPTER 162.

AN ACT to provide for the examination of the accounts of school boards.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. It shall be the duty of every school district in the state of Wisconsin at its annual meeting to appoint three competent men, who shall be tax payers in the district, to examine all accounts, books, vouchers, moneys and property of whatever kind belonging to said district, between the first and fifth days of July of each year and report the finding, in writing, at the next regular annual meeting.

Three tax payers to audit accounts. To report, when.

Ch. 162 05 c 78

SECTION 2. Said report shall be recorded in the school records, properly signed by the committee.

SECTION 3. All acts and parts of acts conflicting with this act are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 12, 1899.

No. 120, A.] [Published April 13, 1899.

CHAPTER 163.

AN ACT to appropriate a sum of money for the further prosecution of the geological and natural history survey of the state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation of $10,000 annually.

SECTION 1. There is hereby appropriated for the further prosecution of the geological and natural history survey, out of any money in the treasury not otherwise appropriated, the sum of ten thousand dollars annually for the term of two years. This money shall be expended by the commissioners of said survey for the purpose of executing the duties assigned to them by chapter 297 of the laws of 1897.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved April 12, 1899.

No. 247, A.] [Published April 13, 1899.

CHAPTER 164.

AN ACT to amend section 1121, of the Wisconsin statutes of 1898, relating to the collection and payment of taxes by county treasurers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Payment of state tax by county treasurers made uniform.

SECTION 1. Section 1121 of the Wisconsin statutes of 1898 is hereby amended by omitting therefrom the following words: "except that the treasurers of the counties of Douglas, Polk, Bayfield, Burnett, Marathon, Oneida and Ashland shall pay such taxes on or before the second Monday in July in each year." Said section when so amended, shall read as follows: Section 1121. The several county treasurers shall pay to the state treasurer the amount of state taxes charged to their respective counties, on or before the first Monday of February in each year.

SECTION 2. This act shall take effect and be in force, from and after August 1st, 1899

Approved April 12, 1899.

No. 351, S.] [Published April 13, 1899.

CHAPTER 165.

AN ACT to limit and restrict actions involving the validity of proceedings by cities to adopt the provisions of the general city charter law.

Ch. 165
116 365 371
380

Ch. 165
107 654

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Actions must be brought within three months. Other limitations.

SECTION 1. In any case, whether occurring heretofore or hereafter, where the common council of any city incorporated by special act shall have undertaken and assumed to adopt in whole or in part the provisions of the general city charter law of this state, and such city and its officers shall have assumed thereafter in good faith to act under, and to exercise the powers conferred by, the provisions of law so assumed to be adopted, any question of the validity of such assumed adoption and of the ordinance and proceedings therefor may be tested by certiorari or by any other proper action or proceedings brought directly for the purpose of vacating or setting aside the same at any time within three months after such assumed adoption, but not thereafter; provided, that, as to all such cases occurring prior to the taking effect of this act, such direct action or proceeding may be commenced within three months after the passage and publication of this act, but not thereafter. No such assumed adoption nor any ordinance or proceeding for such adoption of the whole or any part of such general city charter law shall be in any manner called in question or held to be invalid in any action or proceeding except one brought directly for that purpose within the time hereinbefore limited therefor, unless the same shall have been duly vacated or set aside by a court of competent jurisdiction. The pro-

visions of this act shall in no manner affect pending actions.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 12, 1899.

No. 274, S.] [Published April 13, 1899.

CHAPTER 166.

AN ACT to provide for the declaration of dividends of stock fire insurance companies and for increase of their capital stock in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Dividends of ten per cent. may be declared, when. Dividends declared contrary to provisions of act to work forfeiture of charter.

SECTION 1. Any stock fire insurance company doing business or organized under the laws of this state may declare dividends not exceeding ten per centum of its capital stock in any one year, if in addition to the amount of its capital stock, plus ten per centum of the capital stock, and of such dividends and all of its outstanding liabilities, it shall have accumulated and be in possession of a lawful fund equal to the amount of all unearned premiums on risks not terminated at the time of making such dividend. No dividends in excess of said ten per cent. of its capital stock shall be declared until such corporation shall be in possession of a net surplus equal to one-half of its capital stock, which surplus in no event shall be less than one hundred thousand dollars. Any dividend made contrary to the provisions of this section shall work a forfeiture of the charter of the corporation making such dividend, and each stockholder receiving such divi-

dend shall be liable to the creditors of the corporation to the extent of the dividend received in addition to the other penalties and punishments prescribed by law. The word "year," whenever used in this section, shall not be construed to mean the calendar year.

When capital stock may be increased.

SECTION 2. Any stock insurance corporation organized under the laws of this state, or heretofore organized and doing business under the laws of this state, whenever it shall have accumulated and be in possession of a fund, in addition to the amount of its capital stock and all actual outstanding liabilities, including re-insurance reserve, in excess of one-half of the amount of all premiums on risks not terminated, such corporation may increase its capital stock from such fund, and distribute said increase pro rata to the stockholders of such corporation; provided always that such increase shall be equal to at least twenty-five per centum of the original capital stock of said corporation and shall have been authorized by at least three-fourths of the members of the board of directors of such corporation and approved by the commissioner of insurance; and, provided, also, that any such corporation may hereafter make and declare a dividend as provided in the preceding section of this act.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 12, 1899.

No. 31, S.] [Published April 13, 1899.

CHAPTER 167.

AN ACT to authorize the organization of, and to regulate mutual bicycle insurance companies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Any number of persons, not less than five, residents and citizens of this state, who shall have taken applications in writing for insurance on at least five hundred bicycles, may form an incorporated company for the purpose of mutual bicycle insurance against loss by theft, accident or any contingent event whatever, which may be the subject of legal insurance except fire.

When company may be formed.

C 167 '01
C 165 '03

SECTION 2. Such persons shall file with the commissioner of insurance articles of incorporation signed and acknowledged by them. Such articles shall set forth the name of the corporation, the place of its principal office and the names of the first board of directors, the manner of their election and their term of office, kind of business to be transacted, and such other provisions of articles, not inconsistent with law, as are proper to be inserted therein for the interest of such corporation or the accomplishment of the purpose thereof, and to define the manner in which the corporate powers granted in this chapter shall be exercised.

To file articles with commissioner of insurance.

SECTION 3. Said articles shall be, by the commissioner of insurance, submitted to the attorney general, and if found in conformity with law he shall so certify to said commissioner of insurance, who shall thereupon examine or cause an examination to be made, and if he shall find that such corporation has received and is in actual possession of the five hundred bona fide applications for insurance, he shall deliver to said corporation a patent reciting the articles of organi-

Articles to be submitted to attorney general for examination.

zation and declaring such corporation duly organized and empowered to transact the business of insurance as therein defined. Within thirty days thereafter, the incorporators shall cause the articles of incorporation to be recorded in the office of the register of deeds of the county wherein such corporation shall have its principal office.

Number of directors, terms of, and date of annual meeting.

SECTION 4. The number of directors of such corporation shall be at least five, and they shall be elected from among the members of the company by the persons insured, except the first board of directors and shall hold office for a term of three years or until their successors are elected and qualified. Election of directors, except to fill vacancies, shall occur at the annual meeting of such company which shall be held on the third Tuesday of April of each year, and each person insured shall be entitled to one vote, and may cast the same either in person or by proxy.

Directors to elect officers.

SECTION 5. The directors shall elect from among their number a president, vice-president, secretary and treasurer, all of whom shall hold their office for one year and until their successors are elected and qualified. The secretary and treasurer shall each give a bond for the faithful performance of their duties in such amount as shall be prescribed by the board of directors.

Powers of corporations. Limitations as to expenses.

SECTION 6. Such corporation and such directors shall possess the usual powers, and be subject to the usual duties of corporation and directors thereof, and may make such laws as may be deemed necessary for the management of its affairs in accordance with the provisions of this act, and may prescribe the duties of its officers and agents, and fix their compensation, and alter and amend its by-laws when necessary. Such corporation shall, in its by-laws, limit the amount to be used for expenses exclusive of the sums paid to agents for obtaining such insurance, to a sum not exceeding fifty per cent. of the receipts and such sum shall be maintained intact only during the life of the membership for which it is paid, and shall provide for a release of policy-holders

from further assessment liability in excess of an amount not less than twice the amount of the cash premiums as fixed by the directors at the time of issuance of the policy.

Policies, how issued. Vehicles to be classified.

SECTION 7. Such corporation may issue policies on bicycles, or any vehicle propelled and managed by the rider, for a term not to exceed one year, and for an amount not to exceed fifty per cent. of its actual value. All persons insured shall pay such premiums at such times, in such amounts and under such conditions as may be provided and required by the application for membership, and the by-laws of the corporation. The bicycle or vehicle insured shall be classified at the time policies thereon are issued and different rates, corresponding as nearly as may be to the greater or less risk thereon, may be fixed.

Who may be members. Notice of loss.

SECTION 8. Any person owning an insurable interest in a bicycle or vehicle in this state may become a member of such corporation by insuring therein, but no non-resident of this state shall become a director of such corporation. Every member who may sustain a loss shall give such notice to the corporation and be required to furnish such proofs of such loss as may be demanded by the by-laws.

Assessments, when made.

SECTION 9. Whenever the amount of any loss exceeds the cash funds of the corporation the board of directors shall make an assessment upon all of the insured members at such uniform rate as they shall deem necessary to meet the payment of losses, and notice of such assessment shall be given to each member in such manner as the by-laws provide for.

How member may withdraw.

SECTION 10. Any member of such corporation may withdraw therefrom by surrendering his policy for cancellation at any time while the corporation continues the business for which it was formed, by giving notice in writing to the secretary and paying his share of all claims then existing against it; and such corporation may cancel any policy by giving the insured due notice to that effect. In case of the

withdrawal of a member or the cancellation of a policy the corporation shall return the unearned premium, if any, less thirty per cent.

To make annual report to commissioner of insurance. License fee.

SECTION 11. On or before the first day of March of each year the president and secretary of such corporation shall prepare, under their oaths, and transmit to the commissioner of insurance a statement of the condition of the corporation on the thirty-first day of December then next preceding and shall, at the time of filing such annual statement pay to the commissioner of insurance a license fee of twenty-five dollars which shall be in lieu of all other fees and taxes.

SECTION 12. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

SECTION 13. This act shall take effect and be in force from and after its passage and publication.

Approved April 12, 1899.

No. 201, A.] [Published April 13, 1899.

CHAPTER 168.

AN ACT to amend section 1929 Wisconsin statutes of 1898 relating to insurance companies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Terms of directors; to choose officers. Place of annual meetings.

SECTION 1. Section 1929 Wisconsin statutes of 1898 is hereby amended to read as follows: Section 1929. The directors shall, unless the corporation otherwise direct, in accordance with the preceding section hold their office for one year and until their successors are elected. They shall choose from their number a president, a secretary and a treasurer, the latter of whom may be

chosen from members of the company, and keep a record of all their proceedings in a book kept for that purpose together with the names and places of residence of all persons insured and the amount for which each is insured which shall be open for inspection of all members of the corporation from nine o'clock in the forenoon to four o'clock in the afternoon of such days of each week as may be determined by its annual meeting. The board of directors may change the place of the annual meeting of the corporation to any town inside the boundary of its corporate limits notwithstanding its by-laws may designate some particular town as the place for holding such meeting.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved April 12, 1899.

No. 207, A.] [Pubished April 13, 1899.

CHAPTER 169.

AN ACT to amend section 1937 of Wisconsin statutes of 1898, providing for the cancellation of town mutual insurance company policies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1937 Wisconsin statutes of 1898 is hereby amended to read as follows: Section 1937. Any member of such corporation may withdraw therefrom at any time by returning his policy with a request for its cancellation written thereon or by a notice in writing over his own signature properly witnessed (one witness) to the president or in his absence to the secre- Withdrawal of member, how accomplished.

tary thereof and paying his share of all claims then existing against said corporation. And the directors, or a majority thereof or such and so many of them as they may have appointed as a committee for such purpose, shall have power to annul any policy by giving notice in writing to that effect to the holder thereof.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved April 12, 1899.

No. 70, A.] [Published April 14, 1899.

CHAPTER 170.

AN ACT to amend sections 390 and 406a of the Wisconsin statutes, by making the appropriations in such sections contained specific in amount, instead of percentages upon the assessed valuation of the taxable property in the state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Specific appropriation to university; division of, and amounts. Loans from other funds.

SECTION 1. Section 390 of the Wisconsin statutes, is hereby amended so as to read as follows: Section 390. There shall be levied and collected annually, a state tax amounting to the sum of two hundred and sixty-eight thousand dollars, which amount, when so levied and collected, is annually appropriated to the university fund income, to be used as a part thereof, for current or administration expenditures and for the construction in the order of the greatest need therefor of such additional buildings and works and the enlargement and repair of buildings and works as in the judgment of the regents

shall be absolutely required and can be completed within the appropriations so made, provided that thirty thousand dollars of the said annual appropriation shall be applied annually to the uses of the college of agriculture, also that fifteen thousand dollars thereof shall be applied annually to the uses of the college of mechanics and engineering also that two thousand dollars thereof shall annually be applied for the uses of the summer school of science, literature, language and pedagogy in connection with the university authorized by section 392a, also that one thousand dollars thereof shall annually be applied for the purchase of books for the use of the law library of the university and also that thirteen thousand dollars of the said annual appropriation shall annually be applied and used in adding facilities for and establishing and maintaining courses of instruction in railway and electrical engineering in the university. The commissioners of public lands may direct the state treasurer from time to time, to set apart by way of loan to the fund known as the university fund income, for university uses from uninvested moneys in the trust funds, for the period while so uninvested such amounts, not exceeding at any time the sum of seventy-five thousand dollars as in their judgment shall be prudent. Such loans to be repaid to the trust funds from the appropriation hereinbefore made to the university fund income, with interest at the rate then required on deposits made, pursuant to sections 160a and 160f inclusive.

Specific appropriation to normal schools. Loans to regents, how made and repaid.

§2 C 170 '99
§1 C 135 '03

§2 C 170 '99
§1 C 370 '01

Ch. 170, § 2
1901, c 370

Ch. 170 § 2
1903 c 135

SECTION 2. Section 406a of the Wisconsin statutes, is hereby amended so as to read as follows: Section 406a. For the purpose of conducting and maintaining the normal schools, there shall be levied and collected annually a state tax of one hundred and ninety thousand dollars, which amount is hereby annually appropriated to the normal school fund income. The commissioners of public lands may loan to the board of normal school regents, such part of the

normal school funds as they deem prudent, not to exceed the sum of sixty thousand dollars; such loan to be repaid from the income of the normal schools, and from any appropriations hereafter made for their support and maintenance as follows: to-wit: the sum of five thousand dollars, February 1st 1898, five thousand dollars February 1st 1899 and ten thousand dollars on the first day of February each year thereafter until said loan is fully paid and discharged.

SECTION 3. This act shall take effect and be in force, from and after its passage and publication.

Approved April 13, 1899.

No. 164, A.] [Published April 14, 1899.

CHAPTER 171.

AN ACT further defining the duties of county clerks, relating to furnishing the county clerks with forms for the assessment rolls, tax rolls etc.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Blanks to be furnished treasurers at county's expense.

SECTION 1. Section 1032 of the Wisconsin statutes of 1898, is hereby amended as follows: by inserting the words "and treasurers," after the word "clerks" as it occurs in the eighth line of such section, and striking out the word "and" as it occurs in the same line between the words "assessors" and "town," so that when amended the section shall read as follows: Section 1032. "The secretary of state shall prescribe and furnish to the several county clerks, forms for the assessment rolls, tax rolls, blanks and returns, required for the due execution of the provisions

of this chapter. Every county clerk shall, at the expense of the county, annually procure to be prepared according to such prescribed forms and furnish to each assessor in the county, in due season for use, an assessment roll, and to each town clerk a tax roll, and all other books, blanks and papers necessary to be used by such assessors, town and village clerks and treasurers, in the discharge of their duties under this chapter."

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved April 13, 1899.

No. 325, A.] [Published April 14, 1899.

CHAPTER 172.

AN ACT authorizing Frank W. Epley to build and maintain a dam across Apple river.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Location of dam and purposes of.

SECTION 1. Frank W. Epley and his assigns are hereby authorized to construct, reconstruct and maintain a dam across Apple river, upon lands owned by him, on the southwest quarter of section twenty-six, township thirty-one north, of range nineteen west, of the fourth principal meridian in the county of St. Croix, said dam to be constructed for the purpose of the improvement of navigation, the manufacture of flour, feed and other milling products and the transmission of electric power; provided, that the said dam shall not raise the water to exceed thirty feet.

SECTION 2. The legislature reserves the right to amend, or repeal this act.

SECTION 3. This act shall take effect and be in force, from and after its passage and publication.

Approved April 13, 1899.

No. 375, A.] [Published April 14, 1899.

CHAPTER 173.

Ch. 173
See 05 c 159

AN ACT to amend sub-sections 204 and 205 of section 925 of the Wisconsin statutes of 1898, relating to sidewalks.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Laying of sidewalks. Board of public works to order repairs. How accomplished.

SECTION 1. Sub-section 204 of section 925 of the Wisconsin statutes of 1898 is hereby amended by striking out the word "council" in the sixth line of said sub-section, and inserting in its place the words "board of public works;" and by striking out of the eleventh line of said sub-section the words, "ten days after the passage and publication of an ordinance," and inserting in place thereof the words "three days after the service upon such owner of a copy of a written order;" and by inserting after the word "resolution," in the twelfth line of said sub-section, the words "adopted by the board of public works;" and by inserting before the word "resolution," in the last line of said sub-section, the words "order or" and by striking out of the last line of said sub-section the words "or ordinance," so that said sub-section 204, when so amended shall read as follows: Section 925-204. It shall be the duty of the owner of every lot or parcel of land abutting upon an improved street, or a

street ordered to be improved, whereon the grading for a sidewalk has been done for ten days or more, to lay at his own expenses, a standard sidewalk in front of the same, or one as good as the standard, to be approved by the board of public works. And whenever the board of public works shall have declared any sidewalk, or part thereof, unsafe, defective, or insufficient, and required the same to be removed and replaced with a new sidewalk, it shall be the duty of the owner of every lot or parcel of land abutting upon that portion of the street, or streets, upon which said sidewalk ordered to be removed is situated, to lay, at his own expense, within three days after the service upon such owner of a copy of a written order or resolution, adopted by the board of public works, requiring such removal, a standard sidewalk in place thereof, or one as good as the standard, to be approved by the board of public works, all according to the requirements of said order or resolution.

Failure of lot owner to make repairs; procedure; notice given and time of payment for repair, how received.

SECTION 2. Sub-section 205 of section 925 of Wisconsin statutes of 1898, is hereby amended by striking out of the tenth line thereof the words, "ten days after the passage and publication of an ordinance," and inserting in their place the words "three days after the service upon such owner, of a copy of a written order;" and by inserting after the word "resolution," in the eleventh line of said sub-section 205, the words, "adopted by the board of public works;" and by striking out of the fourteenth line of said sub-section 205 the words, "ordinance of the common council," and inserting in their place the words, "order of the board of public works;" and by striking out of the seventeenth line of said sub-section 205 the word "ordinance" and inserting in its place the word "order," so that said sub-section 205 when so amended, shall read as follows: Section 925–205. Whenever the owner of any lot or parcel of land so abutting upon any improved street or streets, ordered to be improved, whereon the space for the sidewalk

shall have been graded for ten days or more, shall neglect to lay a standard sidewalk, or one as good as the standard, fixed by the common council, approved by the board of public works, it shall be the duty of such board to cause a standard sidewalk to be laid in front of such lot or parcel of land; and whenever the owner of any part or parcel of land abutting upon that portion of any street or streets, upon which any sidewalk ordered to be removed is situated, shall neglect for three days after the service upon such owner of a copy of a written order or resolution, adopted by the board of public works, directing such removal, and rebuilding, to lay a piece of such sidewalk, declared unsafe, defective or insufficient, a standard sidewalk, or one as good as the standard, to be approved by the board of public works, according to the requirements of the resolution, or order of the board of public works, it shall be the duty of said board to remove such defective, unsafe or deficient sidewalk, and to replace the same with a standard sidewalk in accordance with the requirements of said resolution or order. Such work shall be let by contract in all cases where the estimated cost shall exceed one hundred dollars, and in all other cases it may be done without the intervention of a contract; and in all cases where the sidewalks shall be out of repair for more than ten days, it shall be the duty of the board of public works to repair the same. Such board shall keep an accurate account of the expense of laying and repairing sidewalks in front of each lot or parcel of land, whether the work be done by contract or otherwise, and report the same to the comptroller, who shall annually prepare a statement of the expense so incurred in front of each lot or parcel of land, and report the same to the city clerk, and the amount therein charged to each lot or parcel of land shall be by such clerk entered in the tax roll as a special tax against said lot or parcel of land, and the same shall be collected in all respects like other city taxes upon real estate,

When work to be done by contract.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 13, 1899.

No. 304, A.] [Published April 14, 1899.

CHAPTER 174.

AN ACT to adjust the claim of Robert S. Houstan against the state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Whereas, Robert S. Houstan has filed a claim against the state, for damages incurred by reason of the alleged unauthorized action or mistake on the part of a state officer; and,

Whereas, the legislature is unable, in the limited time at its disposal, to determine the facts upon which said alleged claim is based, and being willing that justice should be done.

SECTION 1. The governor, attorney general and secretary of the state board of agriculture, are hereby appointed and constituted a commission to hear the evidence which may be submitted concerning the examination, condemnation, killing or otherwise disposing of the herd of dairy cattle belonging to Robert S. Houstan in the year 1895, in Kenosha county, Wisconsin, upon the order of the state veterinarian. Such commission may take all testimony it may deem proper, to make a full inquiry into the facts and circumstances of the case. After taking such evidence, said commission may determine and make such findings as shall be in accordance with the facts in the case.

Commission, personnel of; duties of.

To determine and assess damages, if any.

SECTION 2. In case said commission shall find that said cattle were not affected with any disease that warranted their destruction under the provisions of law thus in force, then and in that case, they shall determine the amount of damages suffered by said Houstan by the destruction of his cattle, and award him such a sum as will reasonably compensate him for his loss and certify such fact, stating the amount awarded, to the secretary of state. Whereupon the secretary of state shall draw his warrant on the state treasurer in favor of said Robert S. Houstan for the amount awarded as damages.

Appropriation of $5,000.

SECTION 3. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, a sum of money, not exceeding five thousand dollars, to carry out the provisions of this act.

SECTION 4. This act shall take effect and be in force, from and after its passage and publication.

Approved April 13, 1899.

No. 408, A.] [Published April 14, 1899.

CHAPTER 175.

AN ACT to amend section 3891 of the Wisconsin statutes of 1898, relating to the sale of lands by executors, etc., and section 4005 of said statutes, relating to the sale of lands by guardians.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 4045. All notices required to be given by the county courts by publication in a newspaper, shall be published in such

newspaper as the attorney, executor, administrator, guardian or parties interested, may designate, if such newspaper is published in the county in which the court is held; such notices shall be printed in the English language, but may be published in a newspaper printed in any other language when designated as aforesaid, if in the opinion of the county judge or county court, it shall be more likely to give notice to the interested persons. If no newspaper is published therein, the publication may be made in any such newspaper published in this state as the county judge or county court shall direct or order; if the time of publication is not fixed by law, such judge or court may direct, in the order of publication, the time during which the notice shall be published; provided, that notices published under the provisions of sections 3891 and 4005, shall be in a newspaper published in the county where the land is situated, if there be a newspaper published in such county, and if there be none so published, then in such newspaper as the court or judge shall direct; and provided further that no county judge or register in probate shall order the publication of any such notice to be published in any newspaper owned or controlled by him or in which he has any pecuniary interest, if there be any other newspaper published in the county of which he is such judge or register. Any county judge, register in probate or other officer of any court, who shall neglect or refuse to carry out or violate any provisions of this section, shall forfeit not less than fifty dollars for each such neglect, refusal or violation.

Notices, where published, powers of judges to order publication in other than English language. Other powers and restrictions.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved April 13, 1899.

No. 485, A.] [Published April 14, 1899.

CHAPTER 176.

AN ACT to appropriate to James McGowan, a sum of money therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation of $30.

SECTION 1. There is hereby appropriated to James McGowan, out of any moneys in the treasury not otherwise appropriated, the sum of thirty dollars.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved April 13, 1899.

No. 447, A.] [Published April 14, 1899.

CHAPTER 177.

AN ACT to authorize W. H. Hatton and Arthur Lindsay, their heirs and assigns, to maintain a dam across the Little Wolf River in Waupaca county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Location of dam.

SECTION 1. W. H. Hatton and Arthur Lindsay, their heirs and assigns, are hereby authorized to maintain a dam across the Little Wolf River at a point on the northwest quarter of the southwest quarter of section fifteen, township twenty-three north, of range thirteen east, for boomage, hydraulic and manufacturing pur-

poses; provided such dam shall not raise the water to exceed sixteen feet.

SECTION 2. The aforesaid persons, their heirs and assigns, shall maintain suitable slides in said dam for running logs, timber or lumber over the same and shall keep the same in repair; the same shall be kept open at all times when the river is at a driving stage and there are logs, timber or lumber to run over said dam, when it is not necessary to hold the water back to maintain sufficient head for the purposes for which the said dam is maintained. To maintain suitable slides, etc.

SECTION 3. The control of said dam, the slides and gates of the same, shall belong to the aforesaid persons, their heirs and assigns.

SECTION 4. The right to alter, amend or repeal this act is hereby reserved.

SECTION 5. Chapter 186 of laws of 1891 is hereby repealed.

SECTION 6. This act shall take effect and be in force, from and after its passage and publication.

Approved April 13, 1899.

No. 265, S.] [Published April 15, 1899.

CHAPTER 178.

AN ACT relating to a police and fire commission in cities of the second and third class and amendatory of sections 959-41, 959-44 and 959-45 of the statutes of 1898.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 959-41 of the statutes of 1898 is amended hereby so as to read as follows: No person shall be appointed to any position Appointments must have approval of board.

either on the police force or in the fire department in any such city, either for temporary or regular service without the approval of such board; and the board shall keep on file with the city clerk a list of those who are approved by the board for appointment in the departments hereby affected. It shall also be the duty of the board to preserve correct records of its proceedings.

Council to fix salaries. May grant pensions.

SECTION 2. Section 959-44 of the statutes of 1898 is hereby amended, by adding at the end thereof the following: The common council shall fix by ordinance the salaries of the officers and men in the police and fire departments, and the same so fixed shall be in lieu of all fees or other compensation, other than rewards offered for the apprehension of criminals. All fees, percentages and commissions of every nature, except such rewards, shall be paid into the city treasury, and the chiefs of such departments shall make verified reports quarterly to the common council of such fees, percentages and commissions collected during the quarter. The salaries of such officers and men, when so fixed, may be increased by the council, but shall not be decreased, without a previous recommendation of said board. No provision hereof shall interfere with the power of the council to grant an annual pension to such members of either department as have served continuously twenty years, or have been discharged because of disability incurred in the discharge of duty. The council may also provide that the salaries of such officers and men shall increase with the length of the time of service.

Suspended persons to have hearing before the board. Removals, how made.

SECTION 3. Section 959-45 of said statutes is amended, by adding at the end thereof the following: such chief shall be subject to suspension by the board at any time for cause. Every other officer or member of either department shall be subject to suspension, for cause, by the chief of the department, who shall immediately certify the cause of such suspension to the presi-

dent of the board. The board shall then proceed to consider and examine the charges against such suspended person, giving him an opportunity to meet such charges and be heard in his own defense. After hearing the matter the board shall determine whether the charges are sustained; if not, the person suspended shall immediately be reinstated; if sustained, the board shall decide whether the good of the service requires that the suspended person be removed from the office or employment, or be suspended temporarily, and if suspended, for what length of time; and pending such investigation the chief officer or member so suspended shall not perform the duties of his office or position. The decision of the board shall be final and conclusive in all cases. It shall be the duty of the board when a majority thereof concur in the opinion that the good of the service will be subserved by the removal of the chief or any of the officers or members herein mentioned, to make such removal. Such removal shall be made by a notice to the person removed, signed by a majority of the board, which shall contain a statement of the cause for such removal.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 14, 1899.

No. 111, S.] [Published April 15, 1899.

CHAPTER 179.

AN ACT to amend section 408 of Wisconsin statutes of 1898, relating to appropriations for teachers' institutes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

§1 C 179 '99
§1 C 371 '01

Ch. 179
1901, c 371

1. 179 § 1
96 c 320

Appropriations from what funds and for what purposes.

SECTION 1. Section 408 of Wisconsin statutes of 1898, is hereby amended by striking out the words "eight thousand" in the second line of said section and inserting in lieu thereof the words "twelve thousand," and by striking out the words "two thousand" in the fifth line of said section, and inserting in lieu thereof the words "six thousand," and by striking out the words "one-fourth" in the last full line of said section, and inserting in lieu thereof the words one-half," so that said section, when so amended, shall read as follows: "section 408. For the purpose mentioned in the preceding section the said board may use such sum, not exceeding twelve thousand dollars in any year, as it may deem necessary, of which not exceeding six thousand dollars shall be paid from the normal school fund income and not exceeding six thousand dollars from the general fund, and the state superintendent may use such additional sum, not exceeding one thousand dollars, to be also paid from the general fund, as he shall deem proper for the purpose of providing public lectures in connection with such institutes by the professor of the theory and art of teaching of the university, or such other competent persons as the state superintendent may designate, and such amounts as shall be so expended are hereby annually appropriated from the said funds respectively. The secretary of state shall, annually, upon presentation to him of the certificate

of the president and secretary of the board of regents of the amount expended for the purpose mentioned in this section, draw his warrant in favor of the treasurer of said board for one-half of the amount so certified to as actually expended."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 14, 1899.

No. 340, S.] [Published April 15, 1899.

CHAPTER 180.

AN ACT to prevent the introduction or spread of San Jose scale and other injurious insect and fungus diseases, and making an appropriation therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The director of the agricultural experiment station of the university of Wisconsin is hereby authorized to inspect through his agent, any nursery or any fruit or garden plantation, or any unplanted or heeled-in nursery stock in this state, that he has reason to suspect is infested by San Jose scale or other injurious insects and fungus diseases, and for this purpose his agent shall have free access to and egress from any field, garden, packing ground, building, cellar or other place where the duties of carrying out the provisions of this act shall call him, and any person attempting to hinder such inspection by misrepresentation, or otherwise, shall be liable to the payment of a penalty or forfeiture as hereinafter provided.

Director of agricultural experiment station to inspect nurseries.

Duty of director or his agent.

SECTION 2. In case the agent of the said director shall find present on any nursery premises, or packing ground, or in any cellar or building used for the storage of nursery stock, or in any fruit or garden plantation any of the aforesaid San Jose scale or other injurious insects and fungus diseases, he shall notify the owner, or the person having charge of such premises for the owner, in writing to that effect, and if such owner, after receiving such notice, shall ship or deliver any trees, vines, shrubs or plants affected by such San Jose scale or other injurious insects and fungus diseases, he shall be subject to the payment of a penalty or forfeiture as hereinafter provided.

Duties of shipping companies.

SECTION 3. Whenever any trees, shrubs, plants or vines are shipped into this state from another state, country or province, without a certificate plainly fixed on the outside of the package, box or car, containing the same, showing that the contents had been inspected by a duly appointed state or government officer, and that they appear free from San Jose scale and other injurious insects and fungus diseases, the fact must be promptly reported to the said director by the railway, express or steamboat company, or other persons carrying the same; with the statement of the source whence such articles came, and the party to whom they are addressed; and any railway, steamboat or express company or person who shall violate the provisions of this section shall be subject to the payment of a penalty or forfeiture as hereinafter provided.

Director may demand list of sales of nursery stock.

SECTION 4. Any person growing or offering for sale in this state any nursery stock that is known to be infected with San Jose scale or other injurious insects and fungus diseases, shall, upon the demand of the said director, furnish within twenty days, a list of all persons, as far as to him known, to whom he has sold or delivered any such stock, together with the post office address of each of such persons, so far as to him known; such information shall be preserved and be for the sole use of the said director

and his agent in carrying out the provisions of this act. And any person violating the provisions of this section shall be liable to the payment of a penalty or forfeiture as hereinafter provided.

Director to issue certificates of inspection. Fees for same.

SECTION 5. The said director shall cause to be issued to the owner of any nursery in this state, after the nursery stock therein has been properly inspected, and found to be apparently free from San Jose scale or other injurious insects and fungus diseases, an official certificate to that effect, good for a period not to exceed one year, upon a payment to the said director the sum of five dollars for each ten acres of land owned or leased by such nurseryman in this state that is devoted wholly or in part to nursery stock, grown for sale purposes; and such owner may apply to said director for inspection of his premises for the purposes of securing such certificate, and the said director shall cause such inspection to be made within three months after receiving such application, unless such inspection shall be delayed by winter weather, but no such certificate shall be issued covering only a part of the nursery stock owned by one person, nor to cover nursery stock received after such inspection was made; and any such certificate may be cancelled by the said director upon the discovery in such nursery of the San Jose scale or other injurious insects and fungus diseases.

When certificate may be cancelled.

Director to furnish tags for shipping purposes.

SECTION 6. Any nurseryman holding a valid certificate, issued as prescribed in section 5 of this act, may apply to the said director for official labels or tags, for which the said director may charge a sum not to exceed thirty cents per hundred, which labels or tags shall certify that the packages or bundles of nursery stock to which they are attached are from nursery stock that has been officially inspected and found apparently free from San Jose scale or other injurious insects and fungus diseases; but no such tags or labels shall be used for stock not covered by the aforesaid certificate nor after such certifi-

cate has expired or been cancelled; and no person shall attempt to imitate or counterfeit such tags or labels. Any person violating the provisions of this section shall be liable to the payment of a penalty or forfeiture as hereinafter provided.

Penalty for violations.

SECTION 7. In case any person shall violate any of the provisions of this act, he shall be liable for the payment of a penalty or forfeiture of not less than twenty-five dollars nor more than one hundred dollars for each and every such violation. Such penalty or forfeiture may be sued for and recovered in a civil action, as provided in chapter 142 of Sanborn & Berryman's annotated statutes.

Director to make report of operations.

SECTION 8. The director of the experiment station shall make a report to the secretary of state on the last week day of May of each year, of all operations carried out under the provisions of this act, and shall turn over all moneys received by him or by his agents in carrying out its provisions to the state treasurer, to be by him credited to the general fund.

Compensation of agent.

SECTION 9. The director's agent shall be compensated for time actually and necessarily expended in carrying out the provisions of this act, but such compensation shall in no case exceed three dollars per diem and necessary traveling expenses, but the said director of the experiment station shall receive no compensation for carrying out the provisions of this act.

Expenses, how paid.

SECTION 10. All expenses incurred under the provisions of this act shall be approved by the director of the experiment station, and be audited by the secretary of state, and the secretary of state shall draw his warrant for the same upon the state treasurer, who shall pay the same out of the general fund, and for this purpose the sum of three hundred dollars or as much thereof as may be necessary is hereby annually appropriated.

SECTION 11. This act shall take effect and be in force from and after June first, 1899.

Approved April 14, 1899.

No. 98, A.] [Published April 15, 1899.

CHAPTER 181.

AN ACT to provide for dividing cities of the third and fourth class, operating under special charters, into park districts, and for levying and collecting a district tax to improve and maintain public parks therein.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. In every city of the third and fourth class in this state, operating under a special charter, the common council may by a vote of three-fourths of all the members elect, divide the same into two or more park districts, by an ordinance duly made, passed and enacted for that purpose.

City may be divided into two or more districts.

SECTION 2. The said ordinance shall clearly define the boundaries and limits of each park district created thereby, and shall be introduced at a regular meeting of the common council. Upon the introduction of such ordinance, the city clerk shall, before the passage of the same, cause it to be published at least once in the official paper of the city, or if there shall be no official paper in the city, in some other paper printed and published therein; and the same shall not be passed except at a regular meeting of the council.

Publication of ordinance prescribing same.

SECTION 3. When any city shall have been divided into park districts as provided in the preceding two sections, the common council may, annually, by a vote of three-fourths of all the members elect, levy and cause to be collected, a tax upon the taxable property in any district so created, the same to be collected as other general taxes are collected; but which said tax shall not exceed, in any year, one mill on the dollar on all property, real or personal, subject to taxation in

Taxes may be levied in each district for park purposes.

said district, the same to constitute a fund for the improvement of and maintaining of public parks in said park district.

Park fund, how disbursed.

SECTION 4. The said fund shall be kept by the city treasurer separate from other funds of the city, and shall be used only for the purpose of improving and maintaining public parks in said park district, and shall be paid out by the treasurer only on orders drawn on him by the proper city officers, to cover the expense of maintaining or improving said parks.

SECTION 5. This act shall take effect and be in force, from and after its passage and publication.

Approved April 14, 1899.

No. 474, A.] [Published April 15, 1899.

CHAPTER 182.

AN ACT to regulate the improvement of public boulevards beyond the municipal limits of certain cities.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Powers of park commissioners.

SECTION 1. Whenever, in any city of the first class in this state, as classified by chapter 40a, of the Wisconsin statutes of 1898, which now or hereafter may own and possess lands beyond the municipal limits for public park purposes, shall have acquired any lands beyond such municipal limits for highway and boulevard purposes, to connect said public parks with the limits of said city, and having a board of park commissioners and a board of public works, then and in that case, the board of park commissioners of such city shall have full and exclusive power to grade,

gravel, macadamize, curb and pave, or otherwise improve, such highway or boulevard, and maintain the same, and to improve a portion thereof by laying out thereon lawns, flower-beds and other similar improvements and the planting and protecting of trees thereon.

Cost of making improvements, how assessed.

SECTION 2. The first cost of making such improvements, shall be assessed upon the particular lots and parcels of land which will be benefited thereby, to the amount which such improvements shall be adjudged to benefit such lots or parcels of land. The expense of such improvements or work across streets at their intersections with streets and alleys, excepting sidewalks, and the expense of the construction of all crosswalks, shall be paid out of the park fund.

Board of public works and town board to act as joint board. Benefits and damages, how determined

SECTION 3. Before ordering any work to be done with reference to the improvements set forth in the preceding section, it shall be the duty of the board of public works of such city, and the town board of the town in which the boulevard shall be situated, acting as a joint board for such purpose, to view the premises and consider the amount proprosed to be made chargeable against said several lots or parcels of land, which in the opinion of said joint board will be benefited thereby, and the benefits which in their opinion will actually accrue to the owners of the same in consequence of such improvements, and shall assess against said several lots or parcels of land which they may deem benefited by the proposed improvements, the amount of such benefit which those lots or parcels of land will severally, in the opinion of said board, derive from such improvements when completed in the manner contemplated in the estimate of the cost of said work; which said estimate of the cost of such work, shall theretofore have been made and the same put on file in the office of the board of park commissioners, and shall be open to the inspection of any party interested, and in case the benefits in their opinion amount to less than the cost of the improvements, the balance shall be paid out of the park fund, and said joint board shall endorse

their decision and assessment in every case on the estimate of the cost of such improvement, filed in the office of the board of park commissioners. Notice shall thereupon be given by said board of public works, by publication in the official newspaper of the city, at least once in each week for two weeks successively, and by posting notices in three conspicuous places on the highway or boulevard to be improved, within five days after the date of such notice, that such assessment is open for review at their office, and will be so continued for the space of twenty days after such date, and that on a day named therein, which shall be no more than three days after the expiration of said twenty days, said joint board will be in session to hear all objections that may be made to such assessment. No irregularity in the form of such assessment or of said notice, shall affect the validity of the same, if it fairly contains the information required to be conveyed hereby. At the time specified for hearing objections to such assessment, said joint board shall hear the persons interested who may appear before them for the purpose, and may review, modify or correct said assessment as they may deem just, and thereupon said assessment shall be signed by a majority of the members of said joint board, and be filed with the town clerk of the town in which the highway or boulevard is situated, and a copy thereof shall be filed with the city clerk.

Notice of work of joint board to be published.

Irregularity in form of assessment not to affect validity.

SECTION 4. It shall be the duty of said joint board, whenever such an assessment shall have been made, to forthwith transmit a true and correct copy thereof to the town clerk of the town in which such improvements are made upon such highway or boulevard, showing specifically the amount assessed against each lot or parcel of land, and at the time of making out the tax roll, after the filing of said assessment, the said town clerk shall enter said assessment on said tax roll, described as special tax, which said amount shall be levied and become a lien on the land, and shall be collected as other taxes are levied and col

Joint board to file assessment with town clerk.

lected. Said amounts when collected, shall be paid to the city treasurer of said city, and by him credited to the park fund.

SECTION 5. Any party aggrieved by any such assessment, may appeal to the circuit court therefrom, within twenty days after the filing of said assessment with said town clerk in the same manner and with like force and effect as is provided for appeal in section 959, subdivision 65 of Wisconsin statutes of 1898.

Aggrieved party may appeal.

SECTION 6. The appeal given by the preceding section, from the assessment of the said joint board, shall be the only remedy of the owner of any parcel of land, or any person interested therein, affected by such improvements for the redress of any grievance which may be had by reason of such improvements for the purposes herein provided.

Appeal only remedy.

SECTION 7. After the first cost of such improvement shall have been provided for, in the manner herein specified, it shall be the duty of the said board of park commissioners, to maintain such highway or boulevard and such park plot or plots, and the cost of such maintenance shall be paid out of the park fund.

Park commissioners to maintain boulevards.

SECTION 8. Such boulevard or highway, shall be free to all persons subject to such necessary rules and regulations as shall be from time to time prescribed by such board of park commissioners, for the well ordering and government thereof.

Boulevard free to all persons.

SECTION 9. Said city shall be exclusively liable for any damages which may happen to any person, his team, carriage or other property, by reason of the insufficiency or want of repair of such boulevard or highway.

City liable for all damages.

SECTION 10. All acts or parts of acts, contravening the provisions of this act, are hereby repealed.

SECTION 11. This act shall take effect and be in force, from and after its passage and publication.

Approved April 14, 1899.

No. 451, A.] [Published April 15, 1899.

CHAPTER 183.

AN ACT permitting the reduction of the capital stock of the City Bank of Portage, Wisconsin from one hundred thousand dollars, to fifty thousand dollars.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Preamble. Whereas. The City Bank of Portage, Wisconsin was, on the sixteenth day of April, 1874 duly organized and incorporated as a banking association under chapter 71 of the revised statutes of the state of Wisconsin for the year 1858, entitled "Of the Incorporation of Banking Associations" and the acts amendatory thereof and supplementary thereto, with a capital stock of twenty-five thousand dollars; and,

Preamble. Whereas. The capital stock of the said, the City Bank of Portage, Wisconsin was, on the eighteenth day of July, 1892 duly and regularly increased to the sum of one hundred thousand dollars, in accordance with the provisions contained in the articles of incorporation of said corporation and pursuant to the laws of this state; and,

Preamble. Whereas. At a special meeting of the stockholders of the said, the City Bank of Portage, duly held at the place of business of said bank in said city of Portage on the fifteenth day of February, 1899, a resolution was duly adopted by the majority of the stock of said banking association, authorizing a reduction of the capital stock of said association from one hundred thousand dollars, to fifty thousand dollars; and,

Preamble. Whereas. The president and cashier of said bank have furnished to the secretary of state of this state a certificate of such vote, in compliance with the laws of this state, which said certificate is now on file with said secretary of state,

SECTION 1. Permission is hereby given to the City Bank of Portage, Wisconsin, a banking association duly organized under the laws of this state, to reduce its capital stock from one hundred thousand dollars, to fifty thousand dollars. Reduction in stock authorized.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved April 14, 1899.

No. 189, A.] [Published April 15, 1899.

CHAPTER 184.

AN ACT permitting the Bank of Commerce of Superior, Wisconsin, to reduce its capital stock, from two hundred and fifty thousand dollars, to one hundred and fifty thousand dollars.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Whereas, the Bank of Commerce of Superior, Wisconsin, was on the first day of August, 1888, duly organized and incorporated as a banking association under chapter 94 of the revised statutes of the state of Wisconsin for the year 1878, entitled, "Of Banks and Banking," and the acts amendatory thereof and supplementary thereto, with a capital stock of forty thousand dollars; and, Preamble.

Whereas, the capital stock of the said Bank of Commerce of Superior, Wisconsin, was on the first day of June 1890, duly and regularly increased to the sum of one hundred thousand Preamble.

dollars, in accordance with the provisions contained in the articles of incorporation of said corporation, and pursuant to the laws of the state; and,

Preamble.

Whereas, the capital stock of the said Bank of Commerce of Superior, Wisconsin, was on the twenty-second day of January 1891, further increased to the sum of two hundred and fifty thousand dollars, in accordance with the provisions contained in the articles of incorporation of said corporation, and pursuant to the laws of the state; and,

Preamble.

Whereas, at a regular meeting of the stockholders of the said Bank of Commerce, duly held at the place of business of said bank in said city of Superior, on the twenty-eighth day of February 1899, a resolution was duly adopted by a majority of the stock of said banking association, authorizing a reduction of the capital stock of said association, from two hundred and fifty thousand dollars, to one hundred and fifty thousand dollars; and,

Preamble.

Whereas, the president and cashier of said bank have furnished to the secretary of state of this state, a certificate of such vote, in compliance with the laws of this state, which said certificate is now on file with said secretary of state.

SECTION 1. Permission is hereby given to the Bank of Commerce of Superior, Wisconsin, a banking association duly organized under the laws of this state, to reduce its capital stock from two hundred and fifty thousand dollars, to one hundred and fifty thousand dollars..

Reduction in stock authorized.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved April 14, 1899.

No. 326, A.] [Published April 15, 1899.

CHAPTER 185.

AN ACT relating to sale of real estate by executors, administrators and guardians and to enact section 3919a, of the statutes of 1898.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Irregularity in proceedings when not to be a bar to sale.

SECTION 1. A new section is hereby added to the statutes of 1898 to be numbered and read as follows: Section 3919a. In case of an action relating to any real estate sold by an executor, administrator or guardian, or sold by one executor, administrator or guardian in cases where two or more such executors, administrators or guardians were appointed or acting in which an heir or other person claiming under the deceased testator or intestate or ward or in which any person claiming adversely to the title of the deceased testator or intestate or the ward or claiming by any title that is not derived from or through the deceased person or ward, shall contest the validity of such sale, such sale shall not be avoided on account of any irregularity in any of the proceedings in matters of the estate of said deceased testator, intestate, or of said ward, nor on account of any irregularity in any of the proceedings preliminary to or at the time of, or subsequent to, said sale, or in the confirmation thereof, or in the conveyance conveying the same, provided it shall appear from the record that said sale was made and confirmed by the county court of the county in which the land lies more than thirty (30) years before the commencement of an action. And the records of said court shall be conclusive evidence of the fact of such sale and confirmation; and a certified copy of the said records, attested by the seal of said court, may

be recorded in the office of the register of deeds in the county where the lands lie, and shall be received in any action relating to said land as evidence equal to the original record.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved April 14, 1899.

No. 238, S.] [Published April 15, 1899.

CHAPTER 186.

AN ACT to amend section 925-119 and 925-142 of the Wisconsin statutes of the year 1898 relating to levy of school taxes in cities.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Board of education to determine public school budget prior to March 1st. Council to levy tax.

SECTION 1. Section 925-119 of the Wisconsin statutes of 1898 is hereby amended by striking out of the second line thereof the words "as early as" and inserting in lieu thereof the words "prior to," and also by striking out of the same line the word "October" and inserting in lieu thereof the word "March," and by striking out of the sixth line of said section the words "and the same, or so much as they shall approve" and by inserting in lieu thereof the words "at the first regular meeting thereof in March. It shall be the duty of the common council to consider such estimate and by resolution duly adopted prior to the first day of April, determine the amount to be raised by city taxation for school purposes for the ensuing year, which amount so fixed" and by striking out of the eighteenth and nineteenth lines of said section the words "in cities to which this section applies the" and by

transposing the two provisional clauses in said section beginning respectively "provided" and "provided further," so that said section as amended shall read as follows: Section 925-119. The board of education shall prior to the first day of March each year make an estimate of the expenses of the public schools for the ensuing year, including all necessary incidental expenses and the amount thereof which it will be necessary to raise by city taxation and certify the same to the city clerk who shall lay the same before the common council at the first regular meeting thereof in March. It shall be the duty of the common council to consider such estimate and by resolution duly adopted prior to the first day of April, determine the amount to be raised by city taxation for school purposes for the ensuing year, which amount so fixed shall be included in the annual budget to be raised by a tax called the city school tax, which shall be collected the same as other taxes. It shall be the duty of the city treasurer to set aside and keep all moneys raised in any way for school purposes, whether by the state, the county or the city, coming into his funds in a separate fund to be called the school fund, and to pay out the same upon the orders of the board of education, signed by its president and certified by its secretary; provided that teachers' and janitors' salaries may be included in a single order each month in the form of a pay roll to be signed and certified as aforesaid; provided further, that in any city adopting this chapter, if at the time of such adoption the board of education or school board shall have power to levy the city school tax or the district school taxes, such power shall continue unaffected by this chapter, and this section shall not apply to such city nor be in force therein until specially adopted by a vote of three-fourths of the members of the council.

Tax, how expended.

SECTION 2. Section 925-142 Wisconsin statutes of 1898 is hereby amended by striking out of the second line of said section the words "and

Budget of various city departments to be made by Oct. 1st.

except" by striking out the whole of the third line of said section and by striking out of the fifth line the words "their respective departments" and inserting in lieu thereof the words "such departments," so that said section as amended shall read as follows: Section 925-142. On or before the first day of October in each year the board of public works, if there be one, shall file with the city clerk a detailed statement of the amount of money that will be required for the ensuing fiscal year in such department, and the city comptroller or the officer performing his duties shall likewise file a statement of the amount required by the police and fire departments, the general and library fund, and for the purpose of paying interest for the ensuing year on the public debt and five per cent. of the principal thereof. The city clerk shall place such estimates before the council at its next regular meeting, and the council shall thereupon by resolution, levy such sums of money as may be sufficient for the several purposes for which taxes are authorized not exceeding the amount provided by section 925-142a. And in making such levy they shall take into consideration the estimated amount that will be received by the city during the fiscal year from licenses or from any other source.

Council to levy tax.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 14, 1899.

No. 299, S.] [Published April 15, 1899.

CHAPTER 187.

AN ACT to appropriate to Michael Gleason a certain sum of money.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated to Michael Gleason the sum of thirteen hundred seven dollars and sixteen cents, on account of materials furnished and labor performed by the said Michael Gleason in and upon the erection and completion of the heating, lighting and power plant for the state of Wisconsin, located on the grounds of the Wisconsin Industrial School for Boys, at Waukesha, Wisconsin.

Appropriation of $1,307.16 for labor on Waukesha school.

SECTION 2. The sum of money mentioned in section 1 of this act shall be paid to the said Michael Gleason for the materials so furnished by him and for the labor so performed by him, on bills therefor to be audited by the secretary of state only upon the sworn statement of such creditor that the sum claimed by him is for materials actually furnished and labor actually performed in the construction of said plant, and that the sum claimed therefor is just and true.

Amount, how paid.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 14, 1899.

No. 346, S.] [Published April 15, 1899.

CHAPTER 188.

AN ACT to amend section 7 of chapter 33 of the laws of Wisconsin for the year 1893, and the several acts amendatory thereof, to create and establish a superior court in and for Douglas county, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Change of venue to circuit court or vice versa.

SECTION 1. Chapter 33 of the laws of 1893, as amended and re-enacted by chapter 301 of the laws of 1893 of the laws of Wisconsin, is hereby amended by adding after section 2 of said chapter 33, the following, to be known as section 2a. "Section 2a. Whenever the place of trial of any action or proceeding in said superior court shall be changed on account of the prejudice of the judge thereof, or because he shall be interested, or have been counsel therein, the place of trial shall be changed to the circuit court of Douglas county, unless it shall appear that one of the aforesaid objections exists to trying such actions before the judge of such circuit court; and whenever for any such reasons a change of the place of trial shall be granted in any action pending in said circuit court, the place of trial may be changed to said superior court unless it shall appear that one of the aforesaid objections exists to trying such action before the judge of said superior court; provided, the action be one of which the said superior court would have jurisdiction according to the provisions of this act.

Clerk of circuit court ex-officio clerk of superior court.

SECTION 2. Section 13 of chapter 33 of the laws of Wisconsin for 1893 is hereby amended so as to read as follows: "Section 13. The clerk of the circuit court of Douglas county shall be ex-officio clerk of said superior court and shall under the direction of the judge thereof provide a

seal therefor. It shall be the duty of said clerk either in person or by deputy, to keep and maintain an office in the building in which the session of said superior court shall be held, and to keep the same open for the transaction of business during the business hours of each secular day in the same manner as the office of the clerk of the circuit court; and to file and safely keep in said office all papers and pleadings relating to any action or proceeding therein. Whenever a judgment shall have been perfected in any action or proceeding in the superior court it shall be the duty of the clerk thereof forthwith to enter, docket and index the same in suitable books kept for that purpose in his office, in the same manner that circuit court judgments are required to be docketed and indexed, and such judgments, when so docketed and indexed, shall have the same force and effect, be a like lien on the real estate of the judgment debtor, and may be enforced in said superior court in the same manner, as circuit court judgments, and all laws now in force or which shall hereafter be enacted relating to circuit court judgments shall be applicable to judgments of said superior court. It shall also be the duty of said clerk, without additional fees therefor, to forthwith docket and index said judgments in the office of the clerk of the circuit court of Douglas county in the same manner as circuit court judgments are required to be docketed and indexed. The deputy clerk of said superior court is hereby authorized and empowered to tax costs, enter default judgments, and perform all other acts in relation to actions and proceedings in said court that the clerk of the circuit court is authorized by law to perform. Before entering upon the duties of his office, said clerk shall execute to Douglas county a good and sufficient bond, with two or more sureties, to be approved by the judge of said court, in the penal sum of ten thousand dollars, conditioned for the faithful performance of his duties as such clerk; and he

Duties of.

Judgment of superior court, how docketed and force of.

Powers of deputy clerk.

shall be entitled to the compensation for services rendered in said court provided by law for like services in the circuit court."

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 14, 1899.

No. 110, S.] [Published April 15, 1899.

CHAPTER 189.

AN ACT regulating the operation and use of emery wheels or emery belts of all kinds in factories or workshops, and prescribing a penalty for the violation thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Emery wheels and appliances to be hooded to prevent circulation of dust from.

Ch. 189 § 1
05 c 147

SECTION 1. That all persons, companies or corporations operating any factory or workshop where emery wheels or emery belts of any description are used for polishing, either solid emery, leather, leather covered, felt, canvas, linen, paper, cotton or wheels or belts rolled or coated with emery or corundum, or cotton wheels used as buff, shall, when deemed necessary, by the factory inspector, assistant factory inspector, or any officers of the bureau of labor, provide such polishing wheels or belts with blowers or similar apparatus, which shall be placed over, beside or under such wheels or belts in such manner as to protect the person or persons using the same from the particles of the dust produced and caused thereby, and to carry away the dust arising from or thrown off by such wheels or belts while in operation, directly to the outside of the building or to some recept-

acle placed so as to receive and confine such dust. Provided, that grinding machines upon which water is used at the point of the grinding contact shall be exempt from the provisions of this act; and provided that this act shall apply only to those wheels or belts which are used for polishing and which are contained in the room or apartment usually denominated the polishing room, and which are used continuously therein; and provided further, that this act shall not embrace nor apply to such wheels or belts as cannot be so equipped without impairing the convenient or necessary use thereof.

Certain exemptions.

SECTION 2. No emery wheels or grindstone in any factory, mill or workshop, shall be used when the same is known to the person using the same to be cracked or otherwise defective, nor operated at a greater speed than indicated or guaranteed by the manufacturer of such emery wheel or grindstone.

Defective wheels not to be used.

SECTION 3. It shall be the duty of any person, company or corporation operating any such factory or workshop to provide or construct such appliances, apparatus, machinery or other things necessary to carry out the purpose of this act, as set forth in the preceding section, as follows: each and every such wheel shall be fitted with a sheet or cast iron hood or hopper, of such form and so applied to such wheel or wheels that the dust or refuse therefrom will fall from such wheels, or will be thrown into such hood or hopper by centrifugal force, and be carried off by the current of air into a suction pipe attached to same hood or hopper.

Duties of firms operating emery appliances.

SECTION 4. Each and every such wheel six inches or less in diameter shall be provided with a three-inch suction pipe; wheels six inches to twenty-four inches in diameter, with four-inch suction pipe; wheels from twenty-four inches to thirty-six inches in diameter, with five-inch suction pipe; and all wheels larger in diameter than those stated above shall be provided each with a suction pipe not less than six inches in diameter.

Dimensions of suction pipes.

The suction pipe from each wheel, so specified, must be full size as to the main trunk suction pipe, and the main suction pipe to which smaller pipes are attached shall, in its diameter and capacity, be equal to the combined area of such smaller pipes attached to the same, and the discharge pipe from the exhaust fan connected with the suction pipe or pipes shall be as large, or larger than the suction pipe.

Firms to provide necessary fans and blowers.

SECTION 5. It shall be the duty of any person, company or corporation operating any such factory or workshop to provide the necessary fans or blowers to be connected with such pipe or pipes, as above set forth, which shall be run at a rate of speed as will produce a velocity of air in such suction or discharge pipes of sufficient force to carry away all dust discharged into the aforesaid hood or hopper. All branch pipes must enter the main trunk pipe at any angle of forty-five degrees or less; the main suction or trunk pipe shall be below the emery or buffing wheels, and as close to the same as possible, and to be either upon the floor or underneath the floor on which the machines are placed to which such wheels are attached. All bends, turns, and elbows in such pipes must be made with easy, smooth surfaces, having a radius in the throat of not less than two diameters of the pipe on which they are connected.

Exemptions.

SECTION 6. The provisions of section 4 and 5 shall not apply to existing mills, factories or workshops which, at the time of the passage of this act, have an appliance or appliances designed and used for the purpose of removing such dust from the polishing room, and which said appliance or appliances substantially effect such design.

Duty of factory inspector and deputies.

SECTION 7. It shall be the duty of every factory inspector of this state, or his deputies to enter any factory or workshop in this state during working hours, and upon ascertaining the facts that the proprietors or managers of such factory or workshops have failed to comply with

the provisions of this act, to make complaint of the same in writing before a justice of the peace or police magistrate having jurisdiction, who shall thereupon issue his warrant, directed to the owner, manager or director, in such factory or workshop, who shall be thereupon proceeded against for the violation of this act as hereinafter mentioned, and it is made the duty of the prosecuting attorney to prosecute all cases under this act.

Penalty for violations.

SECTION 8. Any such person or persons or company, or managers, superintendents or directors of any such company or corporation, who shall have the charge or management of such factory or workshop, who shall fail to comply with the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction shall be punished by a fine of not less than twenty-five dollars, and not exceeding one hundred dollars.

SECTION 9. This act shall take effect and be in force from and after its passage and publication.

Approved April 14, 1899.

No. 268, S.] [Published April 15, 1899.

CHAPTER 190.

Ch. 190
05 c 166

AN ACT in relation to re-insurance and the transaction of business by fire insurance companies or associations otherwise than through resident agents and fixing liability for insurance in unauthorized companies in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

C 190 '99
See
C 394 '03

Chap. 190
See 1899, c344

Ch. 190
See 1903 c 394

No policy to be written unless risk is approved by local agent.

SECTION 1. No fire insurance company or association not incorporated under the laws of this state, authorized to transact business herein, shall make, write, place, or cause to be made, written or placed, any policy, duplicate policy or contract of insurance of any kind or character, or any general or floating policy upon property situated or located in this state except after the said risk has been approved in writing, by an agent who is a resident of this state, regularly commissioned and licensed to transact fire insurance business herein, who shall countersign all policies so issued and receive the commission thereon when the premium is paid, and enter such policy, duplicate policy or contract and payment of premium upon his records, to the end that the state may receive the taxes required by law to be paid on the premiums collected for insurance on all property located in this state. Nothing in this act shall be construed to prevent any such insurance company or association, authorized to transact business in this state, from issuing policies at its principal or department offices, covering property in this state, provided that such policies are issued upon applications procured and submitted to such company by agents who are residents of this state, and licensed to transact the business

of insurance herein, and who shall countersign all policies so issued and receive the commission thereon when paid, and make the entries thereof hereinbefore provided. No provision of this section is intended to or shall apply to direct insurance covering the rolling stock of railroad corporations or property in transit while in the possession and custody of railroad corporations or other common carriers, nor to the property of such common carriers used or employed by them in their business as common carriers of freight, merchandise or passengers.

Rolling stock and property in transit exempt.

SECTION 2. No fire insurance company or association, shall reinsure in any manner what soever, the whole or any part of a risk taken by it on property situated or located in this state in any other company or association not authorized to transact business in this state. No fire insurance company or association shall transfer or cede, in any manner whatsoever, to any company or association not authorized to do business in this state, any risk or liability or any part thereof assumed by it, under any form of contract of insurance, covering property located in this state including any risk or liability under any general or floating policy, or any agreement, general, floating or specific, to reinsure excess loss by one or more fires. No fire insurance company or association shall reinsure, or assume as a reinsuring company, or otherwise, in any manner or form whatsoever, the whole or any part of any risk or liability, covering property located in this state, of any insurance company or association not authorized to transact business in this state.

Re-insurance in unauthorized companies prohibited.

SECTION 3. Whenever the commissioner of insurance shall have or receive information that any fire insurance company or association, not incorporated under the laws of this state, has violated any of the provisions of section 1 of this act, he is authorized, at the expense of such company or association, to examine, by himself or his accredited representative, at the principal

Commissioner of insurance authorized to investigate violations of section one.

office or offices of such company or association, located in the United States of America, or in any foreign country, and also at such other offices or agencies of such company or association as he may deem proper, all books, records and papers of such company or association, and may examine under oath the officers, managers and agents of such company or association as to such violation or violations. The refusal of any such company or association to submit to such examination or to exhibit its books and records for inspection shall be presumptive evidence that it has violated the provisions of the first section of this act, and shall be subject to the penalties prescribed and imposed by this act.

Companies to make annual report of reinsurance or cession of risk.

SECTION 4. Every fire insurance company or association shall annually and at such other times as the commissioner of insurance may require, in addition to all returns now by law required of it or its agents or managers, make a return to the commissioner of insurance in such form and detail as may be prescribed by him, of all reinsurance or cessions of risk or liability contracted for or effected by it, whether by issue of policy, entry on bordereau, or general participation agreement, or by excess loss re-insurance or in any other manner whatsoever, upon property located in this state, or covering, whether specified or otherwise, any risk or liability upon property so located, such return to be certified by the oath of its president and secretary, if a company or association of one of the United States, and, if a company or association of a foreign country, by the oath of its managers in the United States as to such reinsurance or cessions effected through its branch office in the United States, and by the oath of its president and secretary, or by officers corresponding thereto, at its home office wherever located, as to reinsurance as aforesaid contracted for or effected through the foreign office. The refusal of any such company or association to make the returns herein required shall be presumptive

evidence that it is guilty of violating the provisions of the second section of this act, and shall subject it to the penalties prescribed and imposed by this act.

Penalty for violations of provisions of act.

SECTION 5. Any insurance company or association wilfully violating or failing to observe and comply with any of the provisions of this act, applicable thereto, shall be subject to and liable to pay a penalty of five hundred dollars for each violation thereof and for each failure to observe and comply with any of the provisions of this act; such penalty may be collected and recovered in an action brought in the name of the state in any court having jurisdiction thereof. Any insurance company or association which shall neglect and refuse for thirty days after judgment in any such action to pay and discharge the amount of such judgment shall have its authority to transact business in this state revoked by the commissioner of insurance and such revocation shall continue for at least one year from the date thereof, nor shall any insurance company or association whose authority to transact business in this state shall have been so revoked, be again authorized or permitted to transact business herein until it shall have paid the amount of any such judgment and shall have filed in the office of the commissioner of insurance a certificate signed by its president or other chief officer to the effect that the terms and obligations of the provisions of this act are accepted by it as a part of the conditions of its right and authority to transact business in this state.

Liability of persons placing insurance in unauthorized companies.

SECTION 6. Any company or person who shall solicit or place insurance in a fire insurance company not authorized to do business in this state shall, in the event of the failure of such unauthorized company to pay any claim or loss within the policy issued, be liable to the insured for the amount thereof to the extent that such company would have been liable; and such company or agent shall, on satisfactory proof

of violation of either of the foregoing provisions made to the commissioner of insurance, have its or his authority to transact business in this state revoked for a period of not less than ninety days, and shall not again be permitted to do business herein until all liability for such violation shall be discharged and the provisions of these statutes concerning the admission of foreign fire insurance companies to do business in this state be complied with. Whenever said commissioner shall receive notice of the violation of any provision of this section he shall forthwith in person or by his deputy, visit the office of the company or any insurance agent charged with such violation, and demand an inspection of the books and records thereof; and any company or such agent refusing to permit such inspection shall be deemed guilty of violating this section, and such commissioner shall enforce the penalties herein provided against the same.

SECTION 7. All acts and parts of acts, whether general or special inconsistent with the provisions of this act, are hereby repealed.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved April 14, 1899.

No. 339, S.] [Published April 19, 1899.

CHAPTER 191.

AN ACT relating to railroads and amendatory of section 1833 of the Wisconsin statutes for the year 1898.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1833 of the statutes of 1898, is hereby amended, by adding after the word "operate," in the thirteenth line of said section, on page 1352 of the statutes of 1898, the following: "Any corporation taking any such conveyance or lease shall have all the rights, privileges and immunities, and be subject to all the duties and restrictions, of the corporation making such lease or conveyance;" so that said section, when so amended, shall read as follows: section 1833. Any railroad corporation organized and existing under the laws of the territory or state of Wisconsin, or existing by consolidation of different railway companies under said laws and the laws of any other territory or territories, state or states, may consolidate its stock, franchises and property with any other railroad corporation, whether within or without the state, when their respective railroads can be lawfully connected and operated together to constitute one continuous main line, with or without branches, upon such terms as may be agreed upon, and become one corporation by any name selected, which within this state, shall possess all the powers, franchises and immunities, including the right of further consolidations with other corporations under this section, and be subject to all the liabilities and restrictions of this chapter, and such in addition, including land grants and exemptions of land from taxa- Consolidation of.

tion, as such corporations peculiarly possessed or were subject to at the time of consolidation or amalgation by the laws then in force applicable to them or either of them. Articles stating the terms of consolidation shall be approved by each corporation, by a vote of the stockholders owning a majority of the stock, in person or by proxy, at a regular annual meeting thereof, or at a special meeting called for that purpose in the manner prescribed by section 1826, or by the consent in writing of such stockholders annexed to such articles; and a copy thereof, with a copy of the records of such approval or such consent and accompanied by lists of their stockholders and the number of shares held by each, duly certified by their respective presidents and secretaries, with the respective corporate seals of such corporations affixed, shall be filed for record in the office of the secretary of state before any such consolidation shall have validity or effect. Any such railroad corporation may give or take a lease, or may sell to, or purchase from, any railroad company, or at any judicial sale, within or without the state, and give or take a conveyance or assignment of the railroad, franchises and immunities, together with the appurtenances, and all other property, and the stock or bonds, or both thereof, of any railroad corporation, whether organized or created by the laws of this state or of any other state or of the United States, or any portion thereof, within or without this state, when their respective railroads can be lawfully connected and operated together to constitute one continuous main line, or when the road so purchased or leased will constitute a branch or feeder of, or be connected with or intersected by, any line maintained or operated by such purchasing or leasing corporation, or which such purchasing or leasing corporation is authorized to build, own, or maintain and operate. Any corporation taking any such conveyance or lease shall have all the rights.

Sale or lease of franchise, stock, etc. Powers of corporation taking lease.

privileges and immunities, and be subject to all the duties and restrictions of the corporation making such lease or conveyance. Any railroad corporation existing under the laws of this state may purchase and hold the stock or bonds of any other railroad corporation described in this section, or may purchase and hold the stock or bonds of any railway company to which it has furnished the money for the construction of its railway; or for money so furnished, or for such other consideration, as may be agreed upon between the companies, by their respective boards of directors, it may purchase and may take a conveyance of the whole or any portion of the franchises of any such corporation, and of the railway, property and appurtenances thereof. Any stock or bonds which shall have been issued by any purchasing corporation in consideration of any property by it purchased as authorized by this section, shall be deemed fully paid. All acts and purchases whether at judicial sale or otherwise, and conveyances heretofore or hereafter made by or to any railway company organized under the laws of this state, which are authorized by this section, and all conditions and agreements upon which the stock and bonds of any such corporation have been and are to be issued, including any and all terms and conditions as to price, voting power, dividends and trustees or otherwise, and as between different classes of stock or otherwise and all issues of stock and bonds in accordance with such terms, conditions and agreements, are hereby in all things legalized, ratified and confirmed; provided, that nothing herein contained shall be construed to legalize any contract of lease heretofore entered into between a corporation of this state and any corporation organized or created by the laws of the United States. But no railroad corporation shall consolidate with, or lease or purchase, or in any way become owner of or control any other railroad corporation, or any stock, franchises,

Voting trusts confirmed.

rights or property thereof, which owns or controls a parallel and competing railroad to and with the railroad owned or controlled and operated by such purchasing railroad corporation, to be determined by jury.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 18, 1899.

No. 5, A.] [Published April 19, 1899.

CHAPTER 192.

Ch. 192
See 05 c 451

AN ACT to amend section 1971, of the Wisconsin statutes of 1898, relating to forms for and statements of licensed insurance companies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Commissioner of insurance to furnish forms for insurance corporations.

SECTION 1. Section 1971 of the Wisconsin statutes of 1898, is hereby amended by striking out the word "and" where it occurs in the fifteenth line of said section 1971, between the words "villages" and "church," and by inserting after the word "corporations" in the fifteenth line of said section 1971, the words "and retail lumber dealers' mutual insurance associations, local mutual hail and wind or cyclone insurance companies," so that said section when amended shall read as follows: Section 1 [971]. The commissioner of insurance shall prepare and furnish to each insurance corporation organized under the laws of this state and to the attorneys of corporations incorporated in other states and countries, doing any business of insurance in this state, printed forms of annual and other statements as required by law to be made by such

corporations, and may make such changes in such forms as shall seem best adapted to elicit from them a true exhibit of their condition in relation to the matters required by law to be reported to him; and all such corporations shall make such statements as required by said commissioner; and he may, for such reasons as he shall deem sufficient, extend the time for filing such annual statements, but not exceeding sixty days. He shall cause the information contained in such statements to be arranged in tabular form and publish the same with his report; and cause such statements, except those made by town insurance companies, local mutual hail and wind or cyclone insurance companies, mutual insurance companies in cities and villages, church insurance corporations and retail lumber dealers' mutual insurance associations to be, in his discretion, condensed and summarized, showing briefly, but intelligently, the capital, assets, liabilities, income, expenditures and business done within this state of and by such corporations, and cause such condensed statement to be published in the official state paper for six successive days and for a like period in one other daily newspaper, or for six successive weeks in one weekly newspaper published in this state, at the expense of such corporations.

Condensed statements of certain companies may be published.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved April 18, 1899.

No. 61, S.] [Published April 19, 1899.

CHAPTER 193.

Ch. 193
114 613

AN ACT relating to corporations and amendatory of section 1753 of the Wisconsin statutes for the year 1898.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Consideration for stock.

Ch. 193, § 1
116 344 349

SECTION 1. Section 1753 of the Wisconsin statutes is hereby amended so as to read as follows: Section 1753. No corporation shall issue any stock or certificate of stock except in consideration of money or labor or property estimated at its true money value, actually received by it, equal to the par value thereof, nor any bonds or other evidence of indebtedness, except for money, labor or property estimated at its true money value, actually received by it, equal to seventy-five per cent. of the par value thereof, and all stocks and bonds issued contrary to the provisions of this section, and all fictitious increase of the capital stock of any corporation shall be void; provided that any corporation whose stock or bonds have been or shall be admitted to the stock exchange of Chicago, New York, Boston or Philadelphia, or of either of them, may sell such stock or bonds so admitted, at the best price or prices current for the time being obtainable therefor on any of the said exchanges at which the same shall be offered for sale; and provided, further, that nothing in this section contained shall apply to any issues of stock or of bonds heretofore or hereafter made by any railroad corporation in accordance with any plan of reorganization adopted by the holders of the greater amount of the bonds or of the stock of any insolvent railroad corporation whose railroad wholly or

Section not to apply to reorganization of railroad companies.

partly within this state has been sold or hereafter shall be sold at mortgage sale, or in bankruptcy or at other judicial sale, and acquired by the railroad corporation making such new issues of stocks or of bonds or both; and any and all such issues heretofore made in conformity with any such plan of reorganization, are hereby legalized, ratified and confirmed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 18, 1899.

No. 132, A.] [Published April 19, 1899.

CHAPTER 194.

AN ACT to amend section 1551 of the Wisconsin statutes of 1898, relating to unlawful sales of liquors.

§1 C 194 '99
§1 C 440 '03

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1551 of the Wisconsin statutes of 1898, is hereby amended so as to read as follows: Section 1551. Upon complaint made to any justice of the peace, by any person that he knows or has good reason to believe, that an offense against any law of this state, relating to excise or the sale of intoxicating liquors, or any violation thereof has been committed, he shall examine the complainant on oath, and he shall reduce such complaint to writing, and cause the same to be subscribed by the person complaining. If it shall appear to such justice that there is reasonable cause to believe that such offense has been committed, he shall immediately issue his warrant, reciting

Complaint against and warrant for persons.

§1 C 194 '99
§1 C 113 '01

Ch. 194
1901, c 113

Ch. 194 § 1
1903 c 440

therein the substance of such complaint and requiring the officer to whom such warrant shall be directed, forthwith to arrest the accused and bring him before such justice, to be dealt with according to law; and in the same warrant may require the officer to summon such persons as shall be therein named, to appear at the trial to give evidence. Or upon complaint made to any justice of the peace, by any person that he knows or has good reason to believe than an offense under section 1550 Wisconsin statutes of 1898, has been committed by any person on any particular premises or place, he shall examine such complainant on oath, reduce his complaint to writing, describing therein as particularly as may be, the premises on which the offense complained of was committed, and cause the same to be subscribed by the person complaining. If it appear to such justice, that there is probable cause to believe that there has been such offense committed on said premises, he shall immediately issue his warrant, reciting therein the substance of the complaint, and containing a description of the premises described therein, and requiring the officer to whom it shall be directed forthwith to search such premises and seize any liquors on said premises which he believes are intoxicating, and to arrest the accused and bring him before such justice, to be dealt with according to law, and to produce, to be used in evidence on the examination and trial of the accused, the liquors so seized, or such portion thereof as the court or district attorney may direct. The officer executing such warrant, shall state in his return, as particularly as may be the kinds and quantities of liquors so seized and keep the same in his custody, until said action is finally determined.

Complaint and warrant for search of persons.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved April 18, 1899.

No. 292, A.] [Published April 19, 1899.

CHAPTER 195.

AN ACT to authorize R. N. Roberts and Samuel T. Oborn, their heirs and assigns, to construct and maintain a dam in and across Waupaca river.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Location and purpose of dam.

SECTION 1. R. N. Roberts and Samuel T. Oborn, their heirs and assigns, are hereby authorized and empowered to erect, keep and maintain a dam in and across Waupaca river in the city of Waupaca, Waupaca county, Wisconsin, between lots one hundred and twenty-four and one hundred and twenty-five of the village, now the city of Waupaca, according to the recorded plat of said village, in the office of the register of deeds for said county, and on or near the present site of the old dam; the said dam to be constructed and maintained for hydraulic, manufacturing, milling and other purposes; and the said R. N. Roberts and Samuel T. Oborn are authorized to erect and maintain a mill, machinery and all necessary and convenient improvements to enable them to use the water of said river for the purposes aforesaid. The said dam and other improvements shall be so constructed, maintained and operated as to obstruct as little as possible the free navigation of said river for log driving purposes, when the said river is at log driving stage, and there are logs and timber to run over the said dam.

SECTION 2. The said dam shall at all times be maintained, subject to the laws of this state as to the overflowage of lands.

SECTION 3. The right to repeal or amend this act is hereby reserved.

SECTION 4. This act shall take effect and be in force, from and after its passage and publication.

Approved April 18, 1899.

No. 301, A.] [Published April 19, 1899.

CHAPTER 196.

AN ACT to amend chapter 129 of the local laws of 1867, entitled, "An act to incorporate the Northwestern University at Watertown, Wisconsin."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Board of trustees, rules subject to.

SECTION 1. Section one of chapter 129 of the local laws of 1867, is hereby amended by adding at the end of said section the following: "provided, that the board of trustees shall be subject to the regulations, rules and general supervision of the German Evangelical Lutheran synod of Wisconsin and other states," under whose patronage the university and connected colleges or seminaries are founded; and further provided, that the board of trustees shall have no power or authority to acquire, hold or convey any real property, except under the direction of the said synod, given at a regular or special meeting of said synod.

Powers of board of trustees. Rules and regulation of college.

SECTION 2. Section three of chapter 129 of the local laws of 1867, is hereby amended, so that said section when so amended, shall read as follows, to-wit: Section 3. "The board of trustees of the Northwestern University shall have power, under the direction of said synod, to appoint a president of said university, and

also presiding professors of any other college or seminary which may be connected with said university, or be added thereto with a view of extending the course and plan of said university, and all necessary professors, instructors and tutors of said university, or any college or seminary connected therewith. It shall have power to appoint and employ all other needful officers for said university and other institutions of learning connected therewith, and assign to them their respective duties. The board of trustees shall have power to make such regulations and rules for the admission, instruction and education of the students admitted to said institutions, as shall be deemed best to them, subject however to the approval and consent of the synod; and the said board of trustees shall with the advice of the faculty of said university or other institutions, and subject to the consent of the synod, make such rules and regulations relating to the courses of study as they deem best, and all rules for the better government of the institutions; provided however that no such rule or regulations shall be repugnant to the laws of the United States or the laws of the state, neither shall any of them exclude any person of any religious denomination whatever from equal right or advantage of education or from any of the degrees, liberties, privileges, benefits or immunities of said university or of any college or seminary connected therewith, on account of his particular tenets in religion."

Board of trustees, how chosen. Terms and number of.

SECTION 3. Section six of said chapter 129 of the local laws of 1867 is hereby amended so that the same when so amended, shall read as follows, to-wit: Section 6. "That subsequently the board of trustees shall be chosen as follows: The German Evangelical Lutheran synod of Wisconsin and other states shall at its annual meeting, elect one-third of the members of said board, to be elected for the term of three years and until their successors are elected and qualified; said election shall be by ballot and the per-

sons receiving a majority of the votes shall be declared elected. Said trustees shall be members of said synod or members in good standing of congregations belonging to the synod. The said synod shall have power to increase the number of trustees by a vote of said synod, taken at a regular annual meeting of said synod; but such proposition shall be published at least twice in the official organ of said synod, before such meeting; provided however that at each time of increasing the number of trustees, the additional number of trustees to be elected shall be divisible by three, one-third to be elected for one year, one-third for two years and one-third for three years. The said synod shall have power to allow other Lutheran synods of adjacent states, to join with it in the patronage of said university and other institutions and to allow such synods to elect a specified number of trustees, who must be members of such synod or synods or members in good standing of congregations belonging to such synod or synods; provided always that the majority of trustees shall be elected by the said German Evangelical Lutheran synod of Wisconsin and other states; and provided further, that the whole number of trustees shall never exceed twenty-four."

Resignations from board.

SECTION 4. Section seven of chapter 129 of the local laws of 1867 is hereby amended so that the same when so amended shall read as follows, to-wit: Section 7. "Any member of the board of trustees may resign, by resignation sent to the president of the synod of which he is a member. And any member of the board of trustees, who ceases to be a member of the German Evangelical Lutheran synod of Wisconsin and other states, or of a synod that shall have the privilege to elect such trustees, or who ceases to be a member in good standing of any congregation belonging to said synod or synods, shall thereby lose his seat and vote, and his place shall be deemed vacant. All the vacancies shall be filled by ballot at the next annual

meeting of such synod; provided however, that the president of such synod shall have power to fill any vacancies temporarily until the meeting of such synod."

Power of board to conduct certain departments.

SECTION 5. Section 8 of chapter 129 of the local laws of 1867 is hereby amended, so that the same when so amended shall read as follows, to-wit: Section 8. "Said board of trustees shall have power to carry on and conduct such preparatory departments and colleges of learning and seminaries as the said German Evangelical Lutheran synod of Wisconsin and other states may direct."

Acts of board legalized.

SECTION 6. Section ten of chapter 129 of the local laws of 1867 is hereby amended so that the same when so amended, shall read as follows, to-wit: Section 10. "All acts heretofore done by the board of trustees of the Northwestern University of Watertown, Wisconsin, or by the German Evangelical Lutheran synod of Wisconsin or by the German Evangelical Lutheran synod of Wisconsin and other states rearding the government and maintenance of said university and other colleges of learning, are hereby legalized and declared valid and legal."

SECTION 7. This act shall take effect and be in force, from and after its passage and publication.

Approved April 18, 1899.

No. 311, A.] [Published April 19, 1899.

CHAPTER 197.

Ch. 197
113 562

1899 c 197
118 564 568

AN ACT to amend chapter 52 of the Wisconsin statutes of 1898, relating to weight of steam engines on public roads.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1899 c 197
111 113 116
119
Ch. 197 §1
1903 c 424

Ch. 197
117 103 105

Owner of engine liable for damages to highway.

SECTION 1. Section 1347b of the Wisconsin statutes of 1898, is hereby amended by striking out the word "five" in the second line of the first sub-division, and inserting in lieu thereof the word "seven;" and by striking out the word "steam" in the first line of the second subdivision of said section, and inserting in lieu thereof the word "such," and by striking out the word "such" in the first line of the fifth sub-division of said section, and inserting in lieu thereof the words "any steam;" and by inserting the word "and" after the word "thick" in the third line of said sub-division; and by striking out the words "and sixteen feet in length" in said third line of said sub-division; and by inserting between the words "first" and "sub-division" in the twenty-ninth line of said section the words "or fifth," so that said section when so amended shall read as follows: Section 1347b. The owner or owners of any steam engine, or any person who propels or causes such an engine to be propelled or otherwise moved or used along or upon any public highway in any town shall be liable for all damages that may be caused thereby to such highway, or any sluiceway, culvert or bridge thereon, or to any person or corporation by reason of the propelling or otherwise moving or using the same upon any such highway in the following cases:

Ch. 197 '99
424 '03

Weight of engine.

1. When such engine with its equipments and attachments and whatever it may be moving upon

the highway, shall weigh more than seven tons, exclusive of the animals by which it is moved, if it is so moved.

2. When any such engine shall be set up or used within the limits of any such highway, for any other purpose than to be propellled or otherwise moved along or upon it.

3. When any such engine shall be left unattended within the limits of any such highway.

Signal to passing teams.

4. When any such engine shall be in such highway, whether standing or moving and the person in charge shall not signal and stop it when it is approached within fifteen rods in either direction by any team or any person riding or driving any animal, and desiring to pass such engine, or when the person or persons in charge of such engine shall neglect or refuse to render all proper assistance within their power to enable such team or persons to pass in safety.

Crossing bridges and culverts.

1899 c 197 § 1 Sub. 5 111 116

5. When the person in charge of any steam engine shall neglect to span any bridge or culvert, before crossing the same, with hardwood planks, at least two inches thick and twelve inches wide, so that the engine wheels shall rest thereon in crossing such bridge or culvert.

Suit for damages, how brought.

The chairman of the supervisors of any town in which any public highway, sluiceway, culvert or bridge therein shall be damaged by any such engine as is described in the first or fifth sub-division of this section may commence an action against the owner thereof, or against any other person who propels or causes such an engine to be propelled or otherwise moved along or upon any such highway, in the name of and for the benefit of such town, the amount of which, when collected, shall be paid to the town treasurer and be credited to the highway tax fund.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved April 18, 1899.

No. 60, S.] [Published April 19, 1899.

CHAPTER 198.

AN ACT relating to corporations and amendatory of section 1788 of the Wisconsin statutes for the year 1898.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Purchasers of corporate rights may re-organize.

SECTION 1. Section 1788, of the Wisconsin statutes, is hereby amended so as to read as follows. Purchasers of corporate rights may re-organize. Section 1788. Any person or association of persons, which shall have, or may hereafter, become the owner or assignee of the rights, powers, privileges and franchises of any corporation created or organized by or under any law of this state, by purchase under a mortgage sale, sale in bankrupt proceedings, or sale under any judgment, order, decree or proceedings of any court in this state, including the courts of the United States sitting herein, may, at any time within two years after such purchase or assignment, organize anew by filing articles of organization as provided in this chapter or elsewhere in these statutes respecting corporations for similar purposes, and thereupon shall have the rights, privileges and franchises which such corporation had, or was entitled to have, at the time of such purchase and sale, and such as are provided by these statutes applicable thereto. They may fix at what price, or for what number of shares, the rights, priviliges, powers, franchises and property of such former corporation purchased by them shall be put into the new organization. Any railroad corporation existing under the laws of this state, with the authority or the approval of the holders of a majority of the shares

of its capital stock given either in writing or at a meeting called for that purpose, may purchase any railroad and other property, franchises, rights and immunities, in this or any other state or states, of any insolvent railroad corporation whose railroad shall be sold at mortgage sale, or in bankruptcy or upon any other judicial sale, provided that the railroad so purchased shall not be parallel or competing with any constructed railroad owned or controlled and operated by the purchasing corporation, and shall be a continuation of, or be connected with, or intersected by, a line of railroad owned, leased or operated by such purchasing corporation, or which it shall be authorized to build; and in consideration of such railroad and other property, franchises, rights and immunities, so purchased, any such purchasing railroad corporation may issue and deliver its own bonds and shares of its capital stock, in such amounts and at such prices, and on such terms and conditions, including any terms and conditions as to voting power and dividends in respect of any such stock, as shall be so approved by the holders of a majority of the stock of such purchasing railroad corporation; and any and all purchases, and issues of stocks and of bonds such as are authorized by this act, heretofore made by any railroad corporation existing under the laws of this state are hereby legalized and confirmed.

Re-organization of railroad companies, how accomplished.

SECTION 2. This act shall take effect, and be in force, from and after its passage and publication.

Approved April 18, 1899.

No. 487, A.] [Published April 21, 1899.

CHAPTER 199.

AN ACT relating to special assessments for grading, macadamizing and improving streets in cities of the first class.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

C 199 '99 See C 246 '01

Ch. 199 See 1901 c 246

Liability of abutting property for street improvements. Limit of.

SECTION 1. Whenever in any city of the first class, any street, avenue, highway or pleasureway may have been, or hereafter is set aside as a boulevard, and a portion of such street, avenue, highway or pleasureway near the center thereof, shall have been converted into a park and surrounded with a permanent curbing, then and in that case the property fronting or abutting on such street, avenue, highway or pleasureway shall be liable to an assessment for and on account of the grading and macadamizing or paving of such street, avenue, highway or pleasureway lying between the curb line of said street, avenue, highway or pleasureway and the curbing of such parked enclosure, until such property shall have paid in the aggregate in assessment for street improvements in front thereof, the sum of three dollars per square yard for all that part of the roadway directly in front or abutting such property and lying between the curb line of said roadway and the curb of such parked enclosure. Where any property has paid less than such amount, it shall be liable for any difference up to the amount of three dollars. Such assessments shall be made, levied and collected as other special assessments are made, levied and collected in such city.

SECTION 2. All acts and parts of acts, including the provisions of any special charter, which are inconsistent with this act, or not in harmony with its provisions and operation, are

hereby declared to be modified, amended, superseded or repealed in so far as they interfere with the provisions of this act.

SECTION 3. This act shall take effect and be in force, from and after its passage and publication.

Approved April 18, 1899.

No. 189, S.] [Published April 20, 1899.

CHAPTER 200.

AN ACT to reorganize the Wisconsin national guard and making an appropriation therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

State militia, of what to consist. Brigade organization may be made.

C 200 '99 Repealed 874 C 228 '01

Ch. 200 Repealed. 1901, c 228, § 74

SECTION 1. The active and organized militia of this state shall be known as the Wisconsin national guard and shall consist of not more than forty companies of infantry, one battery of artillery, one troop of cavalry, an adjutant general's department, a quartermaster general's department, a medical department and such other officers as may from time to time be required. The infantry shall be organized into regiments consisting of twelve companies each and each regiment shall be divided into three battalions of four companies each. Each regiment may have one band. All companies not needed to complete the regiments of infantry may, at the discretion of the governor, be organized into an independent battalion. The entire force may, at the discretion of the governor, be organized into a brigade.

SECTION 2. The officers of the brigade, when organized, shall consist of one brigadier general,

Rank and number of officers of brigade.

who shall command the brigade; the brigade staff, which shall be appointed by the brigade commander, subject to the approval and on the commission of the governor, shall consist of one assistant adjutant general with the rank of captain mounted, one quartermaster and commissary with the rank of captain mounted, and such aides and non-commissioned staff as shall be detailed by the brigade commander from his brigade.

Regiments, how officered. Rank of officers.

SECTION 3. The regiments shall each be officered by one colonel, whose term of continuous service as such colonel shall be limited to five years, one lieutenant colonel and three majors. The regimental staff shall consist of one regimental adjutant, one quartermaster and one chaplain, each with rank of captain mounted; any officer not providing himself with and using a proper horse when on duty shall receive dismounted pay only, and one commissary with the rank of first lieutenant. The regimental staff shall be appointed by the regimental commander, subject to the approval of and on the commission of the governor. The regimental non-commissioned staff shall consist of one sergeant major, one quartermaster sergeant and one commissary sergeant; who shall be appointed by the regimental commander from the enlisted men of his command. The battalion staff shall consist of one battalion adjutant with the rank of first lieutenant mounted, who shall be appointed by the battalion commander, subject to the approval of the colonel and on commission of the governor, and one battalion sergeant major, who shall be appointed by the battalion commander from the enlisted men of his command.

Companies, how officered. Rank of officers.

SECTION 4. Each infantry company shall consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster sergeant, four sergeants, six corporals, two cooks, two musicians, one artificer and not more than forty-eight nor less than twenty-five enlisted men. A battery shall consist of one

captain, two first lieutenants, one second lieutenant, one first sergeant, one stable sergeant, one quartermaster sergeant, six sergeants, twelve corporals, four artificers, two musicians, two cooks and not more than fifty-one nor less than seventeen enlisted men. A troop shall consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster sergeant, six sergeants, six corporals, two cooks, two farriers and blacksmiths, one saddler, one wagoner, two trumpeters and not more than forty-three nor less than twenty enlisted men. In time of war or in great public danger the governor may recruit the companies, battery and troops to the maximum allowed in the United States army.

Companies, how formed and mustered into service.

SECTION 5. Whenever sixty-five persons resident and liable to military duty in any county shall subscribe and present to the governor an application for the organization of a military company, he may, at his discretion, appoint some competent person as mustering officer, to muster such company and perfect the organization thereof, but without any expense to the state; provided the whole number of companies shall not exceed the number fixed in section 1 of this act. Such mustering officer shall forthwith fix a time and place of meeting for the purpose of such muster and organization and give not less than ten, nor more than thirty days notice thereof, by publication in some newspaper published in the county or by posting notices in three or more public places therein. The mustering officer shall preside at such meeting which may be adjourned from time to time and shall provide a muster roll which each person so volunteering, who shall be accepted as competent by such officer, shall sign; and such signature and the muster roll shall be conclusive evidence that such volunteer is subject to all the obligations imposed by law upon the members of the Wisconsin national guard. When at least fifty persons shall have been so mustered in, they shall pro-

ceed at such meeting to elect by ballot, under the superintendence of such mustering officer, the several officers required by law, and a majority shall be necessary to a choice. After such election the name and rank of such officers shall be entered on the muster roll and the mustering officer shall certify to and forward the same, together with a copy of the proceedings and notice of such meeting to the adjutant general. If it shall appear that such organization shall have been perfected and such officers elected according to law, and the governor shall approve such organization and officers, such company shall be enrolled as a part of the Wisconsin national guard, and the officers thereof be commissioned. If the governor disapprove such organization, he may, at his discretion, direct another meeting to perfect the same. If he disapprove any officer so elected he may direct another meeting or meetings to elect another in stead, or may fill the position in such manner as he may deem best. All officers of the Wisconsin national guard may administer oaths of enlistment.

Medical department, how organized and officered.

SECTION 6. The medical department of the national guard shall be organized as follows: The surgeon general shall be the head thereof. There shall be as many surgeons as there are regiments, two assistant surgeons for each regiment of infantry, and one for each troop of cavalry, battery, and independent battalion; said surgeons to have rank of major, assistant surgeons to have the rank of first lieutenant mounted for the first five years of service and that of captain mounted after five years service. Any such officer not providing himself with and using when on duty a proper horse shall receive dismounted pay only. A hospital corps may also be organized by order of the governor. Medical officers may be commissioned by him upon the recommendation of the surgeon general, or otherwise, and any vacancies shall be filled by the promotion of the medical officer next in rank

unless such promotion be waived or the governor order otherwise. No person shall be commissioned in the medical department until he shall have passed such examination as the surgeon general may direct. The surgeon general shall, on recommendation of the regimental commander, appoint one hospital steward and one acting hospital steward for each regiment of infantry, and one acting hospital steward for each troop, battery and independent battalion of infantry. The surgeon general shall, under direction of the governor, have general supervision of the selection, purchase and distribution of all medical and hospital supplies and may, with the approval of the governor, purchase such supplies as may be necessary; he shall make, subject to such approval, such regulations for the government of his department as he may deem necessary; he shall submit to the governor annually on the first day of October a report with an itemized statement of the affairs and expenses of his department. The duties of the surgeons and the assistant surgeons shall be such as may be provided for by the United States or state regulations; they shall act as examiners of applicants for admission to the national guard, instruct the hospital corps, and advise commanding officers in sanitary matters. They may, by order of the governor, be assigned to duty with such commands as the surgeon general may recommend.

Regimental band, of what to consist, and how enlisted.

SECTION 7. Each regimental band shall consist of one chief musician, one principal musician and one drum major, who shall each receive the pay of a first sergeant of infantry, four sergeants, eight corporals, one cook and twelve privates. All bands shall be enlisted by the regimental commander or such officers as he may appoint, and such members, except as hereinbefore provided, shall receive the same pay and allowance except for armory rent, as other enlisted men and be held to service as other enlisted men. The governor may by orders, prescribe and establish such rules and regulations for the issuing

of state property to bands and the giving of security therefor, the mustering, inspection, property and other returns as he may deem proper. The governor may require all officers and enlisted men of the national guard to pass the physical examination that is required for admission to the United States army.

Companies to adopt constitution and by-laws.

SECTION 8. Each company or band may adopt such constitution, rules or by-laws, not inconsistent with the constitution, laws and military regulations of the United States and of this state, as a majority of all the members thereof may approve; and may therein provide fines and penalties for any violation thereof, which, for absence or refusal to appear for instruction or parade, shall not exceed five dollars, nor be less than one dollar; and all such fines and penalties shall be collectable in an action in the name of the commanding officer as plaintiff before any competent court or magistrate. Such constitution, rules or by-laws shall become operative when approved by the governor.

Governor to issue commissions. Rank, how determined.

SECTION 9. The governor shall issue commissions to all officers, elected or appointed, whose election or appointment shall be approved by him. Every commission shall be countersigned by the secretary of state and attested by the adjutant general and continue at the pleasure of the governor. Each officer so commissioned shall take and file with the adjutant general the oath of office prescribed by the constitution and endorse a copy thereof on his commission, which shall take effect only when so endorsed. All commissioned officers shall take rank according to the date assigned them by their commissions, and when two of the same grade rank from the same date, their rank shall be determined by length of service in the national guard, and if of equal service then by lot.

Terms of enlistment.

SECTION 10. Every man who shall have been mustered or enlisted in the national guard, shall be held to service therein for three years, unless sooner discharged as herein provided. A com-

missioned officer may resign his commission to his immediate commanding officer, in writing, who shall properly forward the same to the adjutant general. The governor shall, by order, accept or reject the same, and, if accepted, fix the date of its taking effect. No resignation shall take effect except as so ordered. Vacancies caused by death, resignation, promotion, discharge or removal of any company officer shall be filled by the promotion of the officer of such company next in rank, subject to the approval of the governor or they may be filled by appointment by the governor. Any honorably discharged soldier of the national guard may, after serving the full term of service, be re-enlisted for the term of one year. Every member of the national guard shall be exempt from jury duty and from the payment of poll tax of every description, and every member who shall be honorably discharged after five years service, or by reason of injury received in the line of duty, shall be forever so exempt, and also exempt from military duty in time of peace. The proper discharge certificate shall be conclusive evidence of the right to such exemption.

Resignation of officers. Members of guard exempt from jury duty and poll taxes.

SECTION 11. Enlisted men shall be discharged only upon certificates signed by the company commander, and endorsed by the adjutant general, with the governor's approval. Such discharge shall not be granted until after three years service or from absolute disability occurring after mustering in unless the member discharged permanently removes his residence out of the county, or the governor shall order the same for other good cause. Any officer may be discharged by order of the commander-in-chief. Any member who absents himself from all meeting for instruction during a period of thirty days, unless properly excused by his commanding officer, shall, in addition to all other penalties, be debarred from the exemption from jury duty, be considered a deserter, and be dishonorably discharged. Any enlisted man may be so

Enlisted men, how discharged.

discharged for absence from his command when called out for the suppression of riot or for other active duty, for drunkenness, immoral conduct or insubordination, continued non-attendance at drills, or refusal to pay any fine properly imposed. Any enlisted man dishonorably discharged may, at the discretion of the governor, be reinstated, provided his application for reinstatement is approved by the officers who made the application for his discharge and provided that upon reinstatement he returns to his command and serves out the unexpired period of his enlistment.

Governor may order examinations for promotion.

SECTION 12. The governor may order any subordinate officer or person nominated or recommended for promotion or appointment to be examined by any competent officer or board of officers, designated in orders for that purpose, as to his qualification for the office to which he may be recommended or appointed and may take such action on the report of such examining officer or board of officers as he may deem to be for the best interests of the service.

Governor's staff, of what to consist.

SECTION 13. The military staff of the governor shall consist of one adjutant general, one quartermaster general, one surgeon general, each with the rank of brigadier general, five aides-de-camp with the rank of colonel and such other officers as he may from time to time require. The governor may appoint any officer of the United States army on duty at the state university or other institution of learning in this state as a member of his staff, but without rank. No person shall be appointed on the governor's staff who has not had previous military experience.

Duties of adjutant general. Report of, etc.

SECTION 14. The adjutant general shall be chief of staff and inspector general. He shall have an office in the capitol and keep it open during the usual business hours every day. He shall have the custody of all military records, returns, reports, correspondence, muster rolls and other documents relating to the volunteers of this state at any time in the service of the United

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See
C 97 '01

Ch. 200, § 14
See 1901 c 97

States, and of the national guard heretofore or hereafter organized, except such as are required to be filed with the governor or quartermaster general. He shall be the medium of military correspondence with the governor and perform all other duties pertaining to his office or prescribed by law. He shall on or before the first day in October in each even numbered year make a report to the governor, to be laid before the legislature, of all the transactions of his department since the last biennial report, setting forth the number, strength and condition of the national guard, and such other matters as he may deem important. He shall make and transmit to the president, the annual returns required by the laws of the United States and submit to the governor a duly certified copy thereof. He shall assist all persons residing in the state of Wisconsin having claims against the United States for pensions, bounty or back pay, where such claims have arisen out of or by reason of service in the wars of the country. To this end he shall co-operate with the agents or attorneys of said claimants, advise as to the legality of claims, furnish to claimants only all necessary certificates and certified abstracts from and copies of records and documents in his office, and in all practicable ways seek to secure speedy and just action upon all claims now pending or which may be hereafter filed. He shall also in cases where it may be expedient act as agent or attorney of record in prosecuting claims for such persons as may request him to do so; provided, that for any service rendered pursuant to the provisions of this act, neither the said adjutant general nor any of his assistants or clerks shall make any charge or demand or receive from the said claimants or any of them directly or indirectly any pay or compensation whatever.

To conduct a pension department.

SECTION 15. The quartermaster general shall give a bond to the state in the sum of twenty thousand dollars with not less than four resi-

Duties of quartermaster general.

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dent free-holders as sureties, which bond shall be approved by the governor and filed in the executive office and be conditioned for the faithful discharge of the duties of his office, and deliver to his successor in office or to any other person authorized by law to receive the same, all quartermaster stores, ordnance and ordnance stores, money and other property belonging to the state, and all books, papers and bonds in his possession or charge, pertaining to his office; and if at any time the governor shall deem such bond insufficient, he shall require him to furnish such additional bond or security as he may deem sufficient. The quartermaster general shall be commissary general and chief of ordnance. He shall have an office in the capitol and keep it open during the usual business hours every day. He shall have charge of the military property of the state, and carefully preserve, repair and account for the same; keep in such manner as the governor shall direct, and subject to his inspection, an account of all moneys received and expended by him; perform the customary duties of his office, and of the office of commissary general and chief of ordnance, and have the custody of all records, returns and papers pertaining to such offices; and he shall on or before the first day of October in each even numbered year render a report to the governor, to be by him laid before the legislature, giving a detailed statement of all moneys received and expended by him, of all military property belonging to the state and remaining on hand at the date of his last report, and such as may have come into his possession after such date, from what sources the same has been received, to whom issued or how expended, and upon whose order, and the condition of the property remaining on hand, also showing who has the possession, and the condition of all military property issued under the law, so far as the same has been reported to him. The transportation of all troops, arms, accoutrements, stores, and other property shall be contracted for by him under

To make a report.

direction of the governor, and accounts therefor approved by the governor shall be paid out of the state treasury. The quartermaster general may purchase and issue to each company of the national guard such supplies for rifle practice as may be prescribed by the governor at an expense not exceeding ten dollars per annum for each company, to be paid for out of the state treasury.

Equipment to be supplied companies, by the state.

SECTION 16. The state shall supply through the quartermaster general each man enlisted in the national guard with a good substantial fatigue uniform, overcoat, rubber blanket, and such other clothing and equipments as the governor may direct, but the number of such clothing and equipments furnished to each company or band shall not exceed the maximum strength thereof; provided, that the expenditure for such purposes shall not exceed twenty-two thousand dollars biennially. The quartermaster general may contract, subject to the approval of the governor, for the purchase of such overcoats, blankets and uniforms provided for in this act, and the cost thereof shall be paid out of the state treasury, together with the necessary expenses of making such purchase and distribution. The uniform of the national guard shall be that of the United States army with the substitution of the state button for that of the national service.

Disposition of old and unserviceable ordnance stores. Penalty for private use.

SECTION 17. The governor may, in his discretion, direct the quartermaster general to issue old or unserviceable ordnance stores in possession of the state, to such colleges and schools therein applying for the same for the purpose of instruction in military science, in such quantities as he may deem proper. But no ordnance stores or military property shall be issued otherwise than as provided in this chapter except in case of war, insurrection or imminent public danger. No person shall retain at any time any arms, equipments or military stores of any kind belonging to the state, unless they have been properly issued to him in pursuance of law, and he shall be permitted by proper authority

to retain the same in the discharge of a public duty; and no person shall use any public arms, equipments, clothing or military stores belonging to the state for his private use. Any person violating any provision of this section shall forfeit not less than twenty dollars nor more than fifty dollars, such forfeiture to be recovered in an action brought in the name of the state on the complaint of any citizen. It shall be the duty of the district attorney of the proper county to prosecute every such action.

Company commanding officer to give bond for care of company equipment.

SECTION 18. The quartermaster general's department shall supply to the commanding officer of any duly organized company composed of not less than the minimum number of men, such arms, accoutrements and stores as shall be required for its proper equipment. Such commanding officer shall execute to the state a bond with such sureties and in such form as the governor shall approve, and in a sum not less than double the value of such arms, accoutrements or stores furnished, conditioned for the faithful preservation and care of all such arms, accoutrements, moneys or stores, as shall be by him received, to indemnify the state against any loss by misuse or misapplication or any part thereof by himself or any other person; to account for all of the same according to law, and to deliver the same to any officer lawfully entitled thereto, on demand, and to pay all sums lawfully appraised for losses or damages. Thereupon the quartermaster general shall issue such arms, accoutrements and stores as the governor shall by order direct, which shall be as nearly as possible like those in use in the army of the United States, upon receiving duplicate receipts therefor, one of which he shall file with the secretary of state and the other in his office. Every such bond shall be held to apply to all military property received by such officer at any time. The commanding officer for the time being is the legal custodian of the money, property and effects of any company, band, regiment or brigade of the national guard, whether said property is owned

Issuing of equipment.

by said company, band, regiment or brigade, or its members collectively, or has been issued to it or any of its officers, for its use by state or United States authority, and may sue for and recover possession of the same, whenever wrongfully withheld from his custody, or the custody of the company, band, regiment or brigade.

Colors of regiments, how preserved.

SECTION 19. The quartermaster general shall preserve in proper cases, the colors and flags of the several regiments, batteries and detachments of the state, engaged in any war. A label shall be placed conspicuously on each of said colors and flags, stating the number of the regiment, and briefly the battles, sieges and campaigns in which the regiment, battery or detachment was engaged, and such flags and colors shall be placed so that such labels may be seen without opening the cases, provided, that the governor may, in his discretion, place in the building erected for the state historical society, and in the custody of said society, such colors and flags, in which event they shall be preserved and labeled as herein directed.

Appointments in the office of adjutant general.

SECTION 20. The governor and the adjutant general may appoint an assistant adjutant general with the rank of colonel, a clerk and stenographer for the department of the national guard, a bookkeeper, a pension clerk and a volunteer-service clerk, and the governor and the quartermaster general may appoint an assistant quartermaster with the rank of major in the department of the quartermaster general. Such blanks and blank books as may be necessary for the proper discharge of the duties of such offices shall be furnished. The governor may, by orders, duplicates of which shall be filed with the secretary of state, fix the pay of the quartermaster general and the pay of any member of his staff or other officer or officers for any special service under orders. The pay of such officers and clerks, and their actual and necessary expenses when on special duty under the orders of the governor, shall be paid out of the state treas-

Pay of labor at military reservation.

ury. For the payment of labor at the Wisconsin military reservation the quartermaster general shall have authority to draw funds from the state treasury not to exceed five hundred dollars at any one time, giving his personal receipt for the same and filing the proper vouchers therefor within thirty days thereafter.

Guard may be ordered out by governor.

SECTION 21. The governor may order all or any portion of the national guard, and the commander of any organization thereof may order the whole or any portion of his command, stationed in any city, to assemble for instruction, parade, review or exercise, at such times and places and for such length of time as he may think proper, or make any other orders relating thereto; provided, no organization shall be ordered to, or shall leave the limits of the county in which its station is located except by permission of the commander-in-chief. The governor may also order the national guard, or any part thereof, into encampments for military instruction, not to exceed seven days in any year, and may fix the time and place for such encampment provided that no troops shall be transported or moved on Sunday for purposes of instruction or for any other purposes except for active military service in cases of necessity. Any troops, when so ordered into camp, shall be furnished by the state with transportation, tents and camp equipage, and such other reasonable and necessary provision for the proper care and preservation of the health of the men, as may be ordered by the governor, and subsistence and other expenses, not herein provided for, equal to two dollars per day, for each day's actual service in such encampment or en route to and from the same, by each enlisted man; subsistence based upon the army ration, to be issued under the direction of the quartermaster general, the cost of the same to be deducted from the per diem allowed each enlisted man. The subsistence account of the quartermaster general to be audited by such board of officers as the governor may direct; and each officer, except as other-

Length of annual encampment. Subsistence, how provided and paid.

wise provided in this act, shall receive the pay of an officer of equal rank in the United States army, and subsist himself, while on duty at such encampment, or on other service under orders of the governor, to be paid out of the state treasury on such vouchers and proofs as the governor may require, and on his approval. Each regiment while in camp shall conduct its own officers' mess. Each first sergeant and each member of the non-commissioned staff shall be paid at the rate of two dollars and seventy-five cents per day, each sergeant two dollars and fifty cents per day and each corporal two dollars and twenty-five cents per day, which payment shall include subsistence and all other allowances not herein provided for. The amount due on account, of the field, staff or other officers, non-commissioned staff and band, company or enlisted men, not herein enumerated, if any, shall be paid to the person to whom the same shall be due. The allowances herein provided for may be withheld by order of the governor, and applied to the payment of any damages to grounds, buildings, uniforms, equipments, or any property, public or private, which may be caused by the fault or neglect of any officer or enlisted man in camp, or en route to or from the same. The acting paymaster general, under orders from the governor, shall have authority to draw from the state treasury the money necessary for paying troops in camp, and shall furnish such security for the same as the state treasurer may direct.

Pay of men. When pay may be withheld by governor.

SECTION 22. At least once in each year, and upon not less than three days' notification to the commanding officer, an inspection shall be made of each company and band of the national guard by some officer appointed by the governor for that purpose, in the same manner and form prescribed for United States troops. The inspecting officer shall be furnished with the last muster roll and ordnance and quartermaster's return of such company, and shall report to the governor in writing on a form provided for that purpose. The compensation of the inspecting

Inspection of companies, how made, and expense of, how paid.

officer shall be six hundred dollars per annum, which shall be in full for all expenses incurred by him, and shall be paid on warrants drawn by the secretary of state on the order of the governor and certificate of the adjutant general. Whenever any company shall fall below the minimum in membership, become lax in discipline, negligent in drill or other duties, or its members lose interest in their organization, the governor may, by orders, retire and disband the same.

When company may be disbanded.

SECTION 23. The governor may, at any time, by order, disband any company for insubordination, or when, upon inspection, it shall appear to be not properly organized or conducted, or when musters and returns shall not be made, and may direct all arms, accoutrements and stores to be delivered up by whomsoever held, and if any person, who was a member of such disbanded company, shall appear with or retain arms or property of the state in his possession, until again mustered or enlisted in the service, he shall forfeit not less than twenty-five dollars nor more than one hundred dollars.

Dates of semi-annual muster. Muster rolls, what to contain. Inspection of arms, etc.

SECTION 24. On the last Monday of April, and the last Monday of September, in each year, each and every company and band of the national guard shall be mustered by the commanding officer thereof, and duplicate muster rolls shall be made and certified by him, one of which shall be filed with the adjutant general, before the twentieth day of the succeeding month. Such muster rolls shall set forth the officers in order of rank, and the enlisted men in alphabetical order, distinguishing recruits since last muster, and truly state the residence, age and date of enlistment of each, and such other facts as shall be required by orders, on the forms prescribed. On said muster days every such commanding officer shall also inspect all arms, accoutrements, stores and other military property, issued by the state to him or his command and make and certify an account and return thereof, in duplicate copies one of which shall be filed with the quartermaster general, before the twen-

tieth day of the succeeding month. In such return he shall state the true number, amount and condition of such arms, accoutrements, stores and property, charging himself with the amount on hand at the time of his last return, and all subsequently received, and furnishing vouchers for all returned, disposed of or lawfully expended, in such manner as shall be prescribed.

Board of survey to condemn old and damaged quartermaster and ordnance stores.

SECTION 25. All quartermaster and ordnance stores and supplies issued by the state, shall be at all times subject to inspection by the inspector general, chief of ordnance, or officer designated by the governor for such purpose, who shall report the true condition thereof. The governor may at any time require repairs to be made or defects or losses supplied; and he may, at any time, convene a board of survey, appraisal or condemnation, to condemn old, damaged, or worn out quartermaster and ordnance stores and supplies or to appraise the loss sustained by the state from injury, want of repair, defects or losses in any such quartermaster or ordnance stores issued to any officer; which board, after reasonable notice to him and hearing his explanations or objections, shall appraise the same and make report, and the amount so appraised, when approved by the governor, shall be conclusively deemed the amount of such officer's liability on his bond therefor up to the date of such report; and he shall immediately pay the same into the state treasury. The governor shall cause suit to be brought whenever necessary to make good any loss from injury, want of repair, or loss of any quartermaster or ordnance stores or supplies or other state property. But if any such stores or property belonging to the state, shall be lost, destroyed or damaged, without the fault or neglect of the officer responsible for the same, such officer and his sureties may, by order of the governor, on the report of a board of survey or other satisfactory proof, be relieved of all liability therefor.

Disposition of state property by officers in case of discharge or promotion.

SECTION 26. Whenever any officer responsible for state property shall resign, be promoted, dismissed or discharged, he shall deliver the quartermaster and ordnance stores in his possession or for which he is responsible, only to the quartermaster general, or to some officer appointed to receive the same, who shall give such bond for its safe keeping while in his possession, as the governor may direct, and take duplicate receipts therefor, one of which he shall file with the quartermaster general. A discharge shall not be issued until such officer has received certificates of non-indebtedness from the quartermaster general's and ordnance departments. His successor in office shall, before receiving such property, execute and file a bond as hereinbefore provided. In case of the death of any such officer the next in command shall immediately take charge of such quartermaster and ordnance stores and supplies and deliver the same to the quartermaster general or some person appointed to receive the same; or if commissioned in place of said deceased, he shall execute and file a like bond, and file duplicate receipts therefor, one of which he shall file as aforesaid.

Armories, how provided. State aid, when and how given.

SECTION 27. Each company and band shall provide at its own expense a suitable room or building for an armory, and proper racks, frames and other needed provisions for safe-keeping of the quartermaster and ordnance stores and supplies issued by the state, and shall therein keep the same when not in lawful use, except when an armory has been provided for the entire regiment to which the company or band may be attached. When such company or band shall be found by means of the annual inspection, provided for in this chapter, to be properly organized, to have at least the minimum number of members, to be well uniformed; to be well equipped with the necessary arms and accoutrements and to have its quartermaster and ordnance stores in good condition; to have assembled for inspection and drill as provided by

law and if the commanding officer of such company or the officer or non-commissioned officer in charge of such band, shall have made all the muster rolls and returns required by law or order, all of which shall be evidenced by the certificate of the adjutant general; and when such certified inspection report shall be approved by the governor, each such company shall, except as is provided in chapter 365 of the laws of 1895, annually be paid out of the state treasury, upon the receipt of its commanding officer, the following appropriations in addition to those otherwise provided for in this chapter: Each company stationed in a city containing less than fifty thousand inhabitants according to the last state or national census, four hundred dollars. Each company stationed in a city containing more than fifty thousand inhabitants, according to such census, five hundred dollars. The troop of cavalry and battery of light artillery each eight hundred dollars and the bands each the sum of one hundred dollars. The above appropriations shall be full compensation for armory rent, and for all other expenses not otherwise provided for in this chapter.

Regulations of U. S. army to prevail in national guard. Drill. how often conducted.

SECTION 28. The rules of discipline and the regulations of the United States army shall, so far as the same may be applicable, constitute the rules of discipline and the regulations of the national guard; the rules and articles of war established by congress and the war department for said army, shall be adopted so far as they may be applicable for the government of the national guard, and the system of instruction and the drill regulations prescribed for the different army and corps of the United States army, shall be followed in the military instruction and practice of the national guard, and the use of any other system is forbidden. The quartermaster general may, under the direction of the governor, make the necessary purchases, and issue to each of the commanding officers of the brigade, regiments and companies, necessary copies of the said drill regulations, taking receipts for the

same; and every such officer shall make return thereof in his semi-annual return and be answerable therefor on his bond. Each company of the national guard shall assemble for instruction at least three times in each month, unless in the case of infantry companies excused for good and sufficient reasons by the regimental commander, and in case of the troop or battery unless excused by special order of the governor.

National guard, how called out in case of riot or danger.

SECTION 29. In case of war, insurrection, rebellion, riot, invasion, resistance to the execution of the laws of this state, or of the United States, or in the event of public disaster resulting from flood, conflagration or tornado, or upon application of any marshal of the United States, the mayor of any city or any sheriff in this state, the governor may order into active service all or any portion of the national guard. If the governor be absent, or cannot be immediately communicated with, any such officer may, if he deem the occasion so urgent make such application which shall be in writing, to the commanding officer of any company, battalion or regiment, who may, if the danger be great and imminent, order out his command to the aid of such officer. Such order shall be delivered to each commanding officer, and by him immediately communicated to each and every subordinate officer, and every company commander receiving the same shall immediately communicate the substance thereof to each member of the company, or if any such member cannot be found, a notice in writing containing the substance of such order shall be left at the last and usual place of such member with some person of suitable age and discretion, to whom its contents shall be explained.

Penalty for failure to report for active duty.

SECTION 30. If any company commander or commissioned officer, receiving such order shall fail to give such notice, or shall fail to appear at the time and place ordered, prepared for duty, he shall be cashiered and be further punished by fine and imprisonment as a court martial may judge; or if any enlisted man after being duly

notified shall refuse or neglect to appear at the time and place of rendezvous properly prepared for duty, or fail to obey any order issued in such case, he shall be deemed a deserter, and punished by a fine of not less than fifty dollars nor more than three hundred dollars, or be imprisoned in the county jail not exceeding six months, or both; and any person who advises or endeavors to persuade any officer or soldier to refuse or neglect to appear at such place or obey such order, shall be punished by imprisonment in the county jail not exceeding six months, or a fine not exceeding one thousand dollars, or both. But physical incapacity to perform military service, dangerous sickness in the family of any such officer or enlisted man, or absence at the time such notice was served, when such absence was not intended to avoid such notice or service, and when he shall join for duty on his return, if his command is still in service, shall excuse such default.

Pay, when engaged in active service.

SECTION 31. When called into active service, and remaining for thirty days or less, such troops shall be subsisted and paid as provided in section twenty-one of this act. If engaged in such service for more than thirty days, they shall receive thereafter the pay and rations established by law for the United States army.

Blanks, forms, rules, etc., how prepared and furnished.

SECTION 32. The governor may from time to time make and publish rules, regulations and orders for the government of the national guard, not inconsistent with the law, and cause the same, together with any laws relating thereto, to be printed and distributed in book form, in such numbers as he may deem necessary. The adjutant general and quartermaster general shall prepare, subject to the governor's approval, blanks and forms for muster rolls, quartermaster and ordnance returns, reports, receipts and other papers necessary to carry out the provisions of this chapter, and furnish the same to the several company commanders and other officers from time to time. The adjutant general shall preserve and cause to be recopied, when neces-

sary, such muster roll or other records of his office as are required to be transcribed for preservation. All said blanks forms, returns, reports, receipts, and other papers shall be made to conform as nearly as practicable to those in use in the United States army.

Time of duty on days of military parade.

SECTION 33. On days of military parade the national guard, when called out by proper authority, and performing military duty, shall be considered under military discipline and performing such duty, from the rising to the setting of the sun, or if performing military duty under orders after the setting of the sun, then until the rising of the sun on the next day; and no officer or enlisted man shall be subject to be arrested on any civil process during the time aforesaid.

Authority of commanding officer over territory where parade or drill is being conducted.

SECTION 34. The commanding officer of any parade or drill, and the officer in charge of any rendezvous or camp, may cause the ground selected for that purpose to be marked or designated in such a manner as not unnecessarily to obstruct travel on any public highway; and if any person during the occupation of such ground for military purpose, shall encroach upon such bounds, or enter upon such ground without the permission of such officer, he may be arrested and kept under guard by the order of such officer until the setting of the sun of the same day, or for such reasonable time as may be necessary to procure his arrest by the civil authorities. Any such offender may be arrested and punished as for a breach of the peace. If any person shall intercept, molest, insult or abuse any officer or enlisted man while in the performance of his military duty, he may be immediately arrested and kept confined at the discretion of the commanding officer of the force engaged in the performance of such duty, until the setting of the sun of the same day, on which the offense shall have been committed, or for such reasonable time as may be necessary to procure his arrest by the civil authorities. Any such offender may be arrested and punished as for a breach of the peace.

SECTION 35. The state camp ground near Camp Douglas, Juneau county, shall be known as the Wisconsin military reservation and there may be expended for the maintenance, care enlargement and improvement thereof three thousand dollars annually which sum shall be paid out of the general fund on the vouchers of the quartermaster general when approved by the governor.

Location of Wisconsin military reservation.

SECTION 36. There shall be paid annually to each company and band of the national guard from the state treasury, for such company expenses as the governor may authorize, the sum of five dollars for each member in attendance and fully uniformed at the annual inspection. The governor may order such payment to be withheld from any company or band which shall be delinquent in returns or reports, neglectful of its duties, parades, drills or instruction, or guilty of any insubordination or misapplication of its funds drawn from the state. He may require by orders any company or band to leave all or any part of such funds in the treasury on deposit, and direct the same to be expended for uniforms or repairs, thereon, or for insurance, when and in such amounts as he may think proper and may make such orders and regulations, or require such security from officers from time to time, as he may deem necessary for the proper care or expenditure of such funds or the property procured therewith. No state funds shall be used for the purchase of uniforms or equipment for any officer. There shall be paid annually to each company commander from the state treasury the sum of fifty dollars.

State aid for company expenses, how determined and paid.

SECTION 37. Whenever the word company is used in a military sense in this act it shall be understood and construed to mean a company of infantry, troop of cavalry, or battery of artillery.

Word company defined.

SECTION 38. In addition to all other appropriations and allowances provided for in this chapter, the troop and battery shall each receive, subject to the approval of the governor, fifteen

Allowances to troop and battery for extraordinary expenses.

hundred dollars annually as extra allowances for the extraordinary expenses incident to drills and instruction of mounted organizations; provided that not more than three hundred dollars of this amount shall be paid annually unless said troop and battery shall have present at each annual inspection not less than forty-five enlisted men in complete uniform and at each annual encampment at least forty-five enlisted men properly mounted and equipped; and each regimental commander shall receive annually for the incidental expenses of the regimental headquarters and staff one hundred dollars, and each such commander shall annually report to the adjutant general the disposition made of such fund.

Incidental regimental headquarter expenses, how paid.

Annual report of officers' convention, how printed and distributed.

SECTION 39. The adjutant general may procure the printing of, and upon the order of the commissioner of public printing the public printer shall print and deliver to him for distribution, not to exceed two thousand copies of the report of the annual convention of the officers of the Wisconsin national guard which shall be distributed as follows: To each company troop or battery five copies, to each commissioned officer one copy, to each officer and member of the legislature one copy and the remainder to the adjutant general for distribution at his discretion; provided, that such report shall not exceed one hundred pages each.

May purchase a traveling library.

SECTION 40. The adjutant general, subject to the approval of the governor, may purchase a traveling library of military text books for each regiment of infantry at a cost for books, boxes and transportation of not to exceed fifty dollars for each regiment annually. The expense to be paid out of the treasury from any unexpended appropriations for the national guard.

Retired list, how formed. Rank of officers thereon.

SECTION 41. All commissioned officers who may have heretofore served or who shall hereafter serve five years in the national guard may upon honorable retirement from the service be carried on a roll to be established and maintained in the office of the

adjutant general which roll shall be designated the "Wisconsin national guard retired list" and they shall be entitled to wear on occasions of ceremony the uniform of the highest rank which they have held. The officers so carried on said pay roll may be eligible for detail or appointment by the governor but when so detailed or appointed shall be considered as of the rank to which they have been detailed or appointed, which rank they shall hold during the period of such detail or appointment, and in case of a second retirement from active service, if the rank held by them at the time be higher than the one held by them on their first retirement, they shall be entered on said list as of the highest rank held by them. No officer whose name shall appear on said retired list shall be entitled to receive any pay or emolument whatever from the state during the time he so remains on said list, and in case he be reappointed, recommissioned or detailed therefrom, he shall be entitled to the pay and allowance provided by law for officers of the rank to which he may be detailed or appointed.

Census of citizens for military duty, when and how taken.

SECTION 42. At the time when the state census is taken in the year nineteen hundred and five and every ten years thereafter the several officers required by law to enumerate the inhabitants shall each also carefully enroll all able-bodied male citizens between the ages of eighteen and forty-five years, specifying their names, ages, occupations and residences and whether married or unmarried, who shall reside in the territory in which he makes such enumeration, omitting from enrollment only those persons whose mental or physical incompetency is plainly apparent to such officer. Every such enrollment shall be separately made and verified and returned in the manner directed for verifying and returning the enumeration of inhabitants, and the secretary of state shall, upon the receipt of the returns thereof from the several county clerks, file the same in the office of the ad-

jutant general. All proper blanks and instrucitons for such enrollment shall be prepared by the secretary of state, with the assistance of the adjutant general, subject to the approval of the governor.

When actions against members of guard, may be defended by state.

SECTION 43. If any member of the Wisconsin national guard shall be prosecuted by civil or criminal action for any act performed by such member while in the performance of his military duty and in pursuance thereof, the action against such member may, in the discretion of the governor, be defended by counsel appointed therefor by the governor upon the recommendation of the attorney general. The costs and expenses of any such defense shall be audited by the secretary of state and paid out of the state treasury.

Appropriating clause.

SECTION 44. There is hereby annually appropriated out of any money in the state treasury not otherwise appropriated a sum of money sufficient to make the purchases, defray the expenses and pay all allowances authorized by this act.

SECTION 45. Chapter 34 of the statutes of 1898 and all acts and parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed.

SECTION 46. This act shall take effect and be in force from and after its passage and publication.

Approved April 18, 1899.

No. 58, S.] [Published April 20, 1899.

CHAPTER 201.

AN ACT to authorize the sale and conveyance of a certain lot in the cemetery at Sparta, belonging to the state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Sale of state public school cemetery lot, authorized.

SECTION 1. The land commissioners are hereby directed to convey to the purchaser thereof a lot in the cemetery in the city of Sparta, purchased for the use of the state public school, but not used by it and contracted to be sold by the state board of control, and the proceeds of such sale shall be paid into the state treasury and credited to the current expense fund of the said state public school.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 18, 1899.

No. 138, S.] [Published April 20, 1899.

CHAPTER 202.

Ch. 202
See 1901 c 154

AN ACT to appropriate a sum of money therein named to the normal school fund income and to authorize a temporary transfer of a like sum from the trust funds of the state to the general fund.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation of $70,000 for building, repairs, etc.

SECTION 1. There is hereby appropriated to the normal school fund income out of any money in the state treasury not otherwise appropriated, for building, repairs and heating apparatus, the sum of seventy thousand dollars.

Transfer from trust fund, how made.

SECTION 2. For the purpose of carrying out the provisions of this act, the secretary of state, the attorney general and state treasurer, with the consent and approval of the governor, are hereby authorized and empowered to transfer from the trust funds of the state to the general fund the sum of seventy thousand dollars, to be returned to the trust funds from the general fund income for the fiscal year ending on the thirtieth day of September, 1900, if such transfer shall be found necessary to make this appropriation available during the present fiscal year.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 18, 1899.

No. 106, S.] [Published April 21, 1899.

CHAPTER 203.

AN ACT to amend section 1497 of the statutes of 1898 relating to the powers and duties of the commissioners of fisheries.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Jurisdiction of commission extended to new hatcheries; to contract for transportation fish cars, etc.

SECTION 1. Section 1497 of the statutes of 1898 is hereby amended as follows: By striking out paragraph four of said section and inserting in lieu thereof the following: "4. The purchase and establishment and control in like manner of new hatcheries when appropriations shall be made by law, and the establishment of such temporary hatching stations as they may deem necessary," and by striking out paragraph five of said section and inserting in lieu thereof the following: "5. The receiving from the commissioner of fisheries of the United States and from the commissioners of fisheries of other states or other persons all spawn, fry and fish donated to the state or purchased, and in the most practical ways by exchange or otherwise, to procure, receive, distribute and dispose of spawn and fish; to make contracts and carry out the same for the transportation of fish cars, cans, commissioners and employes by land or water as may be most advantageous to the state; and to take such other measures as shall in their judgment best promote the abundant supply of food fishes in the waters of the state.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 18, 1899.

No. 96, S.] [Published April 21, 1899.

CHAPTER 204.

AN ACT providing for the removal of the state historical library, museum and art gallery to the new library building, and making an appropriation therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriating $1,000 for removal expenses.

SECTION 1. The secretary of state is hereby authorized and directed to audit and certify for payment to the state treasurer, all bills for additional labor and material, legitimately incurred by the state historical society in removing to the new historical library building, all the property of the state now held in trust by said society within the state capitol, when such bills have been properly certified to by the secretary of said society; provided, that such bills do not amount in the aggregate to over one thousand dollars. For the purpose of meeting such bills there is hereby appropriated from any money in the general fund of the state treasury not otherwise appropriated, the sum of one thousand dollars, or so much thereof as may be needed for such purpose.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 18, 1899.

No. 348, S.] [Published April 21, 1899.

CHAPTER 205.

AN ACT to provide for the collection, arrangement and display of the manufactures, art and products of the state of Wisconsin, at the Ohio Centennial and Northwest Territory Exposition, providing for the appointment of a commission to prepare plans for and supervise the same, and report to the next legislature.

Preamble.

Whereas, Ohio was the first state to be formed out of the great Northwest Territory and has provided, by an act of its legislature passed April 28, 1898, for an exposition to be held at Toledo, in the state of Ohio, in commemoration of the first centennial of its admission as a state into the union; and

Preamble.

Whereas, it is of great importance that the natural resources, industrial development and progress of the arts and sciences of the state of Wisconsin, which state formed a part of the northwest territory, should be fully and creditably displayed at said exposition, and as it will require large preliminary investigation and work in securing information and in preparing plans in order that the legislature may act intelligently and effectively in assisting to make the display worthy of this state and its people; now therefore,

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Purposes of commission and number of.

SECTION 1. That for the purpose of arranging and exhibiting the manufactures, arts, products, resources and general developments of the state of Wisconsin at the exposition to be held under the authority and direction of the state of

Ohio at Toledo, in that state, in commemoration of the admission of the state of Ohio into the union, a commission is hereby constituted to be designated as the Wisconsin state commission at the Ohio Centennial and Northwest Territory Exposition, which shall consist of ten citizens of this state, one from each congressional district in the state, and is to be organized and continue its duties as hereinafter provided.

Commission, how appointed and organized.

SECTION 2. The members of said board shall be appointed by the governor within twenty (20) days after the passage of this act, and not more than six of whom shall belong to any one political party, and said commission shall meet at such time and place as the governor may appoint, and organize by the election of two vice presidents, and a secretary. A majority of said commission shall constitute a quorum for the transaction of business. The board shall have the power to make rules and regulations for its own government, not in conflict with the laws of this state or with the laws, rules and regulations, governing said exposition. Any member of said commission may be removed at any time by the governor. All vacancies in said commission which may occur by death, resignation, removal or otherwise, shall be filled by the governor.

SECTION 3. The governor shall be ex-officio a member and shall be the president thereof.

Duties and powers of commission.

SECTION 4. Said commission shall have charge of the interests of this state and its citizens in the preparation and exhibition at said exposition of the manufactures, arts, and natural and industrial products of the state, with objects illustrating its history, progress, moral and material welfare, growth, enterprise and development, and all other matters tending to advance the interests, reputation and prosperity of this state at said exposition, it shall collect, obtain and disseminate throughout the state, all necessary information regarding said exposition, notify the people of the state of the purpose

thereof, and prepare plans for the representation and display of the state at said exposition, and make a full report of its proceedings, plans and recommendations to the next session of the legislature.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 18, 1899.

No. 356, S.] [Published April 20, 1899.

CHAPTER 206.*

AN ACT creating the offices of commissioner and assistant commissioners of taxation, and making an appropriation therefor.

§3 C 206 '99 See C 97 '01

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Commission, of what to consist. Senate to confirm appointments.

SECTION 1. In order to secure improvement in the system and an equalization of taxation in this state, there shall be a commissioner of taxation, a first assistant commissioner, and a second assistant commissioner. The governor shall nominate, and by and with the consent of the senate at this session, appoint as such officers, persons known to him to possess knowledge of the subject of taxation and skill in matters pertaining thereto, to serve ten years from May first, 1899.

To take oath of office.

SECTION 2. The commissioner and each of his assistants and any clerk appointed by him, within thirty days after his acceptance of such appointment, and before entering upon the discharge of his duties, shall take, subscribe and file

See chapter 322, laws of 1899.

No. 128, A.] [Published April 21, 1899.

CHAPTER 207.

AN ACT to provide fishways in dams and other obstructions on the Big Eau Pleine river and on the Little Eau Pleine river in the county of Marathon.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Owners of lands, etc., to provide fishways.

SECTION 1. It shall be the duty of all persons owning, managing, occupying or having in charge any dam, boom, pier or other obstruction of any kind whatsoever in, on or across the streams in Marathon county, Wisconsin known as the Big Eau Pleine river, and the Little Eau Pleine river, to construct and maintain in or upon such dam, boom, pier or other obstruction, a good and sufficient fishway which will permit the certain and easy passage of fish up and down said rivers, and upon plans which shall be approved by the board of fish commissioners of the state of Wisconsin; and it shall be the duty of all such persons owning, managing, occupying or having in charge any such dam, boom, pier or other obstruction in or on said rivers, as aforesaid, to keep such fishways in good repair and open for the easy and free passage of fish up and down said rivers, from the first day of April until the first day of June next ensuing, in each year and every year.

When to be kept open.

Fish commission to provide plan for fishway upon application Commission to inspect dams, etc.

SECTION 2. It shall be the duty of the state board of commissioners of fisheries to furnish any persons applying for the same, a plan for a fishway in any dam, boom, pier, or other obstruction being now in or across said rivers or which may hereafter be constructed therein, and said board shall, between the tenth day of April and

the first day of June next ensuing in each year, cause all such dams, booms, piers or other obstructions to be examined and cause complaint in the proper court to be made against any person or persons violating the provisions of this act.

Penalty for failure to maintain fishways.

SECTION 3. Any person or persons who shall neglect or refuse to construct or keep in repair or keep open a fishway as required by the provisions of this act, shall upon conviction thereof, be fined not less than twenty-five dollars nor more than one hundred dollars and cost of suit for each and every such offense; one-half of the fine shall be paid to the complaining witness.

SECTION 4. The right of the legislature to repeal or amend this act is hereby reserved.

SECTION 5. All acts or parts of acts, in conflict or inconsistent with the provisions of this act, be and the same are hereby repealed.

SECTION 6. This act shall take effect and be in force, from and after its passage and publication.

Approved April 19, 1899.

No. 136, A.] [Published April 21, 1899.

CHAPTER 208.

AN ACT to appropriate a sum of money to the Wisconsin State Horticultural Society.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation of $300.

SECTION 1. There is hereby appropriated the sum of three hundred dollars out of the general fund, to the Wisconsin State Horticultural society, to reimburse it for expenses incurred in

making an exhibit of Wisconsin fruits at the Trans-Mississippi and International Exposition, at Omaha, Nebraska, during the year 1898.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved April 19, 1899.

No. 525, A.] [Published April 21, 1899.

CHAPTER 209.

AN ACT to authorize Angus J. McGilvray, his heirs, associates and assigns, to build and maintain a dam across the Chippewa river, in Chippewa county, state of Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Location of dam; height of, etc.

SECTION 1. Angus J. McGilvray, of Chippewa Falls, Wisconsin, his heirs, associates and assigns, are hereby authorized to build and maintain a dam across the Chippewa river, at any point he or they may select on section thirty, or on sections twenty-nine and thirty, in township thirty north, of range seven west, and to use the water of said river for the purpose of operating any and all kinds of machinery he or they may hereafter see fit to erect, and to sell or lease the right to use said water and water power, created by said dam, to any person or persons whomsoever; provided, said dam, if built north of the east and west quarter line of said section thirty, shall not exceed fourteen feet in height above low water mark, and if built south of said quarter line, said dam shall not exceed thirty feet in height above low water

mark: provided further, that said dam shall be so constructed and maintained, as not to obstruct or impede the running of logs or timber down said river, and that a suitable log slide, sufficient in width, shall be maintained at the expense of the owner or owners of said dam, together with such piers and guide booms as may be necessary so as to pass all logs and timber down and over said log slide without delay, hindrance or waste.

Granted corporate powers.

SECTION 2. That said Angus J. McGilvray, his heirs, associates and assigns, for the purpose of acquiring any flowage rights that he or they may deem necessary in carrying out the provisions of this act, may exercise all powers granted to corporations by sections 1777 to 1777e, inclusive, of the revised statutes of Wisconsin.

SECTION 3. The right of the legislature to repeal or amend this act is hereby reserved.

SECTION 4. This act shall take effect and be in force, from and after its passage and publication.

Approved April 19, 1899.

No. 215, A.] [Published April 21, 1899.

CHAPTER 210.

AN ACT to amend section 1010 of chapter 46, of the Wisconsin statutes of 1898, relating to the collection of statistics of farm products.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Penalty for refusal to give information to assessors.

SECTION 1. Amend section 1010, of the Wisconsin statutes of 1898, by adding thereto the following: "Any person who shall refuse to

give any and all information or answer any question or inquiry relating to the foregoing matters, and any assessor who shall fail to gather and report said statistics shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than ten dollars, nor more than twenty-five dollars.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved April 19, 1899.

No. 249, A.] [Published April 21, 1899.

CHAPTER 211.

AN ACT to amend section 925–136 of the Wisconsin statutes of 1898, relating to the assessment and collection of taxes in cities organized and governed under the general charter law.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Common council may order levy of a poll tax.

SECTION 1. Section 925–136 of said act, is hereby amended to read as follows: Section 925–136. All property in the city subject to taxation under these statutes, shall be subject to taxation for all purposes authorized by this chapter; but the common council of any city may provide by ordinance for the levy and collection of a poll tax of one dollar and fifty cents each, assessed upon the electors of such city, with such exemptions as provided in sub-division 1 of chapter 1240 of the Wisconsin statutes of 1898; and the same proceedings may be had for the enforcement of such ordinance and of judgments

rendered for the violation thereof, as in actions for the violation of other city ordinances.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved April 19, 1899.

No. 324, A.] [Published April 21, 1899.

CHAPTER 212.

AN ACT to fix and declare the legal name of the house of correction in Milwaukee county. Whereas, the penal and reformatory institution in Milwaukee county, generally known as the house of correction, has heretofore been variously designated in legal enactments as the house of correction and the house of refuge.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The penal and reformatory institution established and constructed in Milwaukee county, under the provisions of chapter 318, private and local laws of 1855 and acts amendatory thereof, originally designated as a house of refuge and by subsequent enactment as a house of correction, shall hereafter be known as and the legal name thereof shall be, the house of correction. Name fixed.

SECTION 2. All orders, judgment and process by whatever name known, wherein and whereby said institution has been designated as a house of correction, shall be as legal and binding for all purposes, as if the legal name of said institu- Name declared legal in orders, etc.

tion had at all times been, the house of correction.

SECTION 3. This act shall take effect and be in force, from and after its passage and publication.

Approved April 19, 1899.

No. 359, A.] [Published April 21, 1899.

CHAPTER 213.

AN ACT to regulate employment and intelligence offices and bureaus.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Intelligence offices defined. License to conduct same required. Penalty for failure to procure license.

SECTION 1. No person shall engage in the business of keeping an employment or intelligence bureau or office or agency for the purpose of hiring men to work for others, and receive a compensation for such hiring without first having obtained a license so to do as hereinafter provided; any person or persons who shall establish or keep any office or place within said state, for the purpose of obtaining place or employment for laborers of any kind whatever, or for procuring or giving information concerning such places or employment to such laborers, or for procuring or giving information concerning such laborers to employers, shall be deemed a keeper of an employment or intelligence bureau, office or agency; and any person who shall engage in such business without such license, shall be guilty of a misdemeanor and shall upon conviction thereof be punished by a fine not exceeding one hundred dollars or imprisonment in the county jail not exceeding ninety days or both.

SECTION 2. Any person who desires to engage in any such business may apply to the common council if such business be carried on in a city, or to the village council if in a village, or to the county board of the county in which such business is to be carried on if in the country, for such license, and pay into the treasury of such city, village or county, the sum of ten dollars and upon executing and delivering to such common council, village council or county board a bond in the penal sum of one thousand dollars with sufficient sureties, or in lieu thereof a surety bond of one thousand dollars, to be approved by such common council, village council or county board, he shall be entitled to such license. Each license shall designate the house in which the person licensed shall keep his office, giving street and number of the same, and the number of such license, and shall continue to be in force until the first day of May next ensuing the date thereof and no longer; provided always, that the foregoing license fee shall be the same for any length of time whether issued for a year on the first day of May, or any fractional part thereof; and no license issued hereunder shall be transferred to any other person or persons whatever or inure to the benefit of any other person other than the licensee.

License, how procured and by whom granted; bond required.

SECTION 3. The bonds shall run to the state of Wisconsin, and shall be conditioned for the payment of any damage that any person secured or engaged to labor for others by the obligor, may sustain by reason of any unauthorized act, fraud or misrepresentation on the part of such agent for such hiring. The bond shall be filed with the city clerk if approved by the common council, with the village recorder if approved by the village council, and with the county clerk if approved by the county board of any county. Any person licensed and having given bond as herein provided may, while continuing to reside or maintain his office at the place mentioned in

Bond to run to state, where filed.

such license, prosecute his said business in any part of the state.

Person hired to be furnished with copy of terms of hire.

SECTION 4. Every person hired or engaged to work for others by one so licensed as aforesaid, shall be furnished a written copy in duplicate of the terms of such hire or engagement, rate of wages or compensation, kind of service to be performed, length of time of such service, with full name and address of the person or persons, firm or corporation authorizing the hire of such person, one of the aforesaid copies to be delivered to the person or persons, firm or corporation for whom the contracted labor is to be performed, and the other to be retained by the person hired as aforesaid. And any person hired or engaged to work for others by one so licensed as aforesaid, who shall fail to get employment according to the terms of such contract of hire or employment, by reason of any unauthorized act, fraud or misrepresentation on the part of such agent, may bring an action upon said bond, and may recover in such action against the principal and sureties the full amount of his damages sustained by reason of such unauthorized act, fraud or misrepresentation, together with his costs, disbursements, in such action: provided however that nothing contained herein shall apply to agencies conducted by women, for the purpose of securing employment for females only.

Fraud or misrepresentation may be recovered from sureties on bond.

SECTION 5. This act shall take effect and be in force, from and after its passage and publication.

Approved April 19, 1899.

No. 258, S.] [Published April 21, 1899.

CHAPTER 214.

AN ACT to amend section 496, Wisconsin statutes 1898, relating to free high schools, and providing for an appropriation to carry out the provisions thereof.

Ch. 214
See 1901 c 345
§ 3

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 496, chapter 27, of the Wisconsin statutes, is hereby amended by striking out the word "twenty-five" in the thirty-third line, and substituting therefor the word "seventy-five," and by striking out the word "fifty" in the fortieth line, and substituting therefor the word "one hundred," so that said section, when so amended, shall read as follows: Section 496. Any high school district which shall have established a free high school according to the provisions of these statutes, and shall have maintained the same for not less than three months in any school year, shall be entitled to receive from the general fund of the state annually one-half the amount actually expended for instruction in its high school during such year over and above the amount required by law to be expended for common school purposes, but not to exceed in one year five hundred dollars to one district; provided, this limitation shall not apply to the class of high schools designated in section 491a. To obtain such aid the high school board, or in cities not under a county superintendent, the president and secretary of the board of education and the treasurer, shall, on or before the first day of November, report in duplicate to the state superintendent, under their oaths, the amount actually expended for instruction during the previous school year, specifying

Amount of state aid, how determined.

How state aid to be obtained.

the several items thereof, with the date and the object of each fully. Thereupon said superintendent shall fix the amount to be paid such district and certify the same to the secretary of state, with one of such reports annexed; provided, the state superintendent may withhold such certificate from any district for reasons based upon failure to comply with the law relating to free high schools, which reasons he shall transmit to the school board thereof on or before the thirtieth day of the next succeeding June. On such certificate, at any time after the first day of December, the certified amount shall be paid to the district treasurer out of the state treasury. The secretary of state shall annually include and apportion in the state tax all such sums as shall have been so paid. Whenever, by any neglect or omission, any free high school shall fail to have apportioned to it its share of state aid, the state superintendent may, after the time hereinbefore fixed for such apportionment by him, fix an amount ten per centum less than the amount which such school would have been entitled to had it complied with the provisions of this section, and certify the same to the secretary of state with the report of such district annexed thereto, and the secretary of state shall thereupon draw his warrant for such amount or amounts in favor of such district. The whole amount annually paid under the provisions of this section shall not exceed seventy-five thousand dollars, and if more be demanded by such districts they shall be paid proportionally; provided, that if the whole amount authorized to be paid annually in aid of free high schools in towns having no graded schools by section 491b is not demanded or expended under the provisions of that section, then the unexpended balance of the amount therein annually authorized to be paid in aid of such school may be added to and apportioned among the free high schools provided for in section 490 and 491; but no more than one hundred thousand dollars shall be ap-

Penalty for failure to comply with law.

Limitations as to amount of state aid.

portioned to both classes of schools in any one year.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 19, 1899.

No. 283, S.] [Published April 21, 1899.

CHAPTER 215.

AN ACT to appropriate to Zacharias Simonson and Charles S. Simonson, one hundred and forty dollars for money paid erroneously to the state for swamp and overflowed lands.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated to Zacharias Simonson and Charles S. Simonson of Waushara county, Wisconsin, the sum of one hundred and forty dollars out of money in the treasury not otherwise appropriated to reimburse them for money erroneously paid to the state for swamp and overflowed lands, to-wit: The south one-half of the southeast quarter of section number seventeen, in township number nineteen, north of range number eleven, east, in the county of Waushara, state of Wisconsin. Appropriation of $140.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 19, 1899.

No. 360, S.] [Published April 21, 1899.

CHAPTER 216.

AN ACT to provide for the supervision and control of investment associations not now under statutory provision.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

§1 C 216 '99
§1 C 374 '03

Ch. 216 § 1
1903 c 374

Investment associations, etc., to comply with building and loan association laws.

SECTION 1. No association or corporation whether local or foreign heretofore organized or which may hereafter be organized, doing business as a so called investment, loan, benefit, trust or guarantee company, for the licensing, control and management of which there is no law now in force in this state, and which such association or corporation shall solicit payments to be made to itself either in a lump sum or periodically or on the installment plan, issuing therefor so called bonds, shares, coupons, certificates of membership or other evidence of obligation or agreement or pretended agreement to return to the holder thereof money or anything of value at some future date, shall solicit nor transact any business in this state unless such association or corporation shall have first complied with all the provisions prescribed in chapter 93 of the Wisconsin statutes of 1898 required of building and loan associations authorized to do business in this state.

§2 C 216 '99
§2 C 374 '03

Ch. 216 § 2
1903 c 374 § 2

Supervision of such associations.

SECTION 2. All provisions of said chapter 93 with respect to the supervision, control and conditions upon which building and loan associations are permitted to do business in this state are hereby made applicable to and imposed upon associations or corporations described in the first section of this act.

§3 C 216 '99
§3 C 374 '03

216 § 3
374 § 3

SECTION 3. Any person, corporation or association who shall act as agent or solicit business for or membership in any such association or

corporation not authorized to do business in this state shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by fine of not less than one hundred dollars nor more than one thousand dollars or by imprisonment of not less than three months nor more than one year, or by both fine and imprisonment.

Penalty for acting as agent of unauthorized company.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 19, 1899.

No. 95, S.] [Published April 21, 1899.

CHAPTER 217.

AN ACT to expedite the hearing of demurrers in civil actions and to amend section 2681 of the Wisconsin statutes of 1898.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The issue raised by a written demurrer to any pleading or to part thereof in any civil action pending or hereafter brought in any court of record may be brought on for argument and determination before such court at any time upon five days' notice.

Five day notice required for hearing demurrer.

SECTION 2. Section 2681 of the Wisconsin statutes of 1898 is amended by striking out the words "a demurrer" where they occur in the first line thereof and inserting the word "the" so that said section when amended shall read as follows: Section 2681. If the answer or reply be frivolous the court or the presiding judge thereof may, upon motion and five days' notice to the party interposing the same strike such pleading out and thereupon either order judg-

Judgment upon frivolous pleadings.

ment in favor of the adverse party or, in his discretion, allow the party interposing the same to plead over within a limited time, on such terms as may be just. If no further pleading be served within the time so fixed the adverse party may obtain such judgment as he may be entitled to in the manner provided in case of a failure to answer or reply in the first instance.

SECTION 3. Any provision of law conflicting with the provisions of this act is hereby superseded.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 19, 1899.

No. 198, S.] [Published April 22, 1899.

CHAPTER 218.

AN ACT to establish a district court in the county of Milwaukee, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

County declared to be a district court district.

SECTION 1. The county of Milwaukee, Wisconsin, is hereby declared to be a judicial district for the purpose of establishing a district court therein, to have jurisdiction as hereinafter provided over and throughout the extent of the city and county of Milwaukee, and all the cities, villages and towns in said county.

District court established. To be a court of record.

SECTION 2. There is hereby constituted and established in said county of Milwaukee a court to be known and called the district court of the county of Milwaukee. It shall be a court of record and have a clerk and a seal with suitable de-

vice to be procured under the direction of the judge thereof, at the expense of the county of Milwaukee.

Judge of, when to be elected. Term of. Vacancy, how filled.

SECTION 3. On the first Tuesday of April 1901 and on the same day of the same month each six years thereafter, the qualified electors of said county of Milwaukee shall elect, in the same manner as is provided for the election of county officers for said county, a suitable person to the office of judge of said district court, to be called "district judge," who shall be a resident of said county and an attorney-at-law admitted to practice in the circuit court of Milwaukee county. Such district judge shall hold his office for the term of six years, from the first Monday of May next succeeding his election, and until his successor shall have been elected and qualified, and who may be removed from office for cause in the manner provided by law for the removal of justices of the peace. The resignation of the district judge shall be made to the governor of the state. Whenever a vacancy shall occur in the office of such judge, from any cause whatever, the governor shall appoint a district judge and the person so appointed shall hold for the residue of the term.

Oath of office.

SECTION 4. Before entering upon the duties of his office, the district judge shall take and subscribe the oath of office prescribed in the constitution, which oath shall be filed in the office of the county clerk of Milwaukee county.

Jurisdiction of court.

SECTION 5. Said district court shall have exclusive jurisdiction to try and sentence all offenders against the ordinances of said city of Milwaukee, and it shall also have exclusive jurisdiction to hear, try and determine all charges for offenses arising within said county of Milwaukee, the punishment whereof does not exceed one year's imprisonment in the state prison or county jail or a fine of five hundred dollars, or both such fine and imprisonment; to hear, try and determine all charges for misdemeanors arising within said county, otherwise triable before a justice of the peace; and to issue warrants

85 C 218 '99
81 C 70 '01

85 C 218 '99
81 C 124 '01

85 C 218 '99
81 C 388 '03

Ch. 218, § 5
1901 c 70
1901, c 124

Ch. 218 § 5
1903 c 388

Ch. 218 § 5
05 c 63

for the apprehension of persons charged with the commission of offenses in said county of Milwaukee and not triable before a justice of the peace, and to examine said alleged offenders and commit or hold them to bail, the same as a justice of the peace might otherwise do. Said district court shall in no event have jurisdiction in bastardy proceedings.

Examinations, etc., to be returned to municipal court.

SECTION 6. No justice of the peace, court commissioner, police justice or other committing magistrate in said county of Milwaukee, shall exercise any jurisdiction in any criminal cases, except as hereinafter provided, but all such jurisdiction is vested in said district judge; and all examinations, recognizances and commitments for trial in said district court in criminal cases, not otherwise triable before a justice of the peace, shall be certified, returned and made to the municipal court of the city and county of Milwaukee instead of the circuit court, at or before the time fixed for the appearance of the accused. All such cases shall thereafter be prosecuted and tried in said municipal court as provided by law in similar cases in the circuit court, and the general provisions of law relating to criminal actions, proceedings and examinations before justices of the peace, shall apply to said district court as far as applicable.

Jurisdiction and duties of justices of peace in relation to district court.

§7 C 218 '99
§2 C 70 '01

Ch. 218, § 7
1901 c 70 § 2

SECTION 7. For the apprehension of persons charged with any of offense specified in section 4739 of the Wisconsin statutes of 1898, any justice of the peace of said county residing outside of the corporate limits of the city of Milwaukee, is authorized to entertain complaints and to issue warrants as in this section provided. Upon complaint made to any such justice of the peace by any person that any such offense has been committed within said county, he shall examine the complainant on oath and the witnesses produced by him and shall reduce the complaint to writing and cause the same to be subscribed by the complainant; and if it shall appear that an offense has been committed the said justice of

the peace shall issue his warrant reciting the substance of the complaint and requiring the officer to whom it is directed forthwith to arrest the accused and bring him, together with such complaint, before the district court to be dealt with according to law; and such justice may require the officer to summon such witnesses as shall be necessary to appear and give evidence at the trial, and thereupon said district court shall proceed to hear, try and determine the cause in the same manner as cases originally commenced in said district court.

Court, when and where to be held.

SECTION 8. Said district court shall be held in the city of Milwaukee in some suitable place to be provided and suitably furnished by said city and county of Milwaukee, and it shall open for business every morning (Sundays and legal holidays excepted). In case of the absence, sickness or temporary disability of said district judge, he may, by an order in writing, to be filed in said court, appoint a justice of the peace of said city or county to discharge the duties of said district judge during such absence, sickness or disability, who shall have all the powers of said district judge while administering such office, and such justice of the peace shall receive for his services five dollars per day to be paid by said city and county. Said district judge shall not voluntarily absent himself from the duties of his office for more than forty days in any one year, except for sickness.

Duties of clerk of court and his deputies.

SECTION 9. The clerk of the municipal court of the city and county of Milwaukee shall be ex-officio clerk of said district court. He or one of his deputies, shall be present during the sessions of said district court and shall keep and have care and custody of all records, books and papers of the court, perform all ministerial acts required of him by and under the direction of the district judge, and when the court is not in session shall have power to take bail for the appearance of any person under arrest before the court, subject to the revision of the court; he, or

one of his deputies, may administer all necessary oaths, enter the judgments of the court, issue commitments and executions to enforce the same, and make up and keep the records of the court in all cases therein under the direction of the judge; he or one of his deputies, shall issue all processes under his hand and the seal of the court and attest it in the name of the judge, signing it by his title of office, and shall tax costs; he, or one of his deputies, may issue warrants upon complaint filed in writing and upon oath in all cases. The complaints, warrants, recognizance, commitments, attachments, venires, subpoenas and all other writs and papers in said court shall be in substance in the form hitherto used in the police court of the city of Milwaukee, or the municipal court of the city and county of Milwaukee. In city prosecutions, said clerk, or one of his deputies, shall enter upon the records of the court a statement of the offense charged, which shall stand as the complaint, unless the court shall direct formal complaint to be made; then the defendant's plea shall be guilty or not guilty, and shall be entered as not guilty on failure to plead, which plea of not guilty shall put all matters in such case at issue. Said clerk shall also, under the direction of the common council of said city of Milwaukee, procure and furnish all the necessary blanks, stationery, book and paper cases, desk, record books, office furniture, lights and fuel for the use of said district court and its clerks, at the expense of said city and county. Such clerk and his deputies and the police officers attending said district court and serving its processes shall receive no fees.

Entries on records.

Trial by jury. How secured.

SECTION 10. After issue joined and before trial in all cases cognizable before said district court the accused may demand a trial by a jury of not more than twelve nor less than six men, and shall designate the number at the time of the demand. The court shall then direct the clerk to proceed to draw in the presence of the

jury commissioners of Milwaukee county, unless such accused shall waive the presence of said commissioners, from the box containing the names of persons furnished by said jury commissioners to serve as petit jurors in the municipal court of the city and county of Milwaukee, twice the number of jurors demanded, and from the list so prepared by the clerk, the parties shall then alternately strike, the accused commencing, so many names as shall leave remaining the number demanded. A venire shall thereupon be issued, commanding the officer to summon those so remaining to appear before the court at such time as may be directed, to make a jury for the trial of said action, and the court may compel their attendance by attachment, either party may challenge any juror for cause, and the deficiencies occasioned thereby, or by any other cause, shall be supplied by talesman to be selected and summoned by the officer. If no jury shall be demanded, it shall be deemed a waiver of a jury trial. If either party declines to strike from the list the names which he is entitled to strike, the court shall appoint some disinterested person to strike the same for such party, each juror shall receive for his services the same fees allowed by law to petit jurors in courts of record in said county, and the fees of such jurors shall be taxed as costs in said action. Witnesses and jurors shall attend before said court in all city and criminal prosecutions without any payment of fees in advance or a tender thereof, upon the processes of the court duly served, and in default thereof their attendance may be enforced by attachment. In case the jury after being kept a reasonable time should disagree, they shall be discharged, and thereupon the court shall adjourn the cause to a day certain and issue a new venire as aforesaid.

Challenges.

SECTION 11. The sheriff of Milwaukee county shall be the officer of said district court, and he or any of his deputies, or any constable of said county shall serve its processes and carry into

Sheriff to be officer of court

effect its orders and judgments in state cases, and the police officers of said city of Milwaukee may serve its processes in city prosecutions and state cases arising within the city.

Ch. 218 § 12
05 c 429

Phonographic reporter, how appointed and duties of.

SECTION 12. The judge of said district court is hereby authorized to appoint a phonographic reporter for such court. The person so appointed shall be deemed an officer of the court, and before entering upon the duties of his office shall take and subscribe the constitutional oath of office and file the same, duly certified to, in the office of the county clerk of Milwaukee county. Such reporter so appointed shall attend all the sessions of said district court and shall report all preliminary examinations held before said court, but in all cases of prosecutions for violations of the ordinances of the city of Milwaukee and in all prosecutions for misdemeanors said reporter shall not be required to report such trial or proceeding, nor shall it be necessary for said judge of said court to take minutes of the evidence given before him; but said district judge may require said reporter to report any trial or proceeding, other than preliminary examinations which may be had before said court. Said reporter shall receive a salary of twelve hundred dollars per annum, payable monthly, at the end of each and every month by said city of Milwaukee. It shall be the duty of said reporter, at the request of any party, to transcribe in long hand the evidence of any proceeding or trial taken by him in said district court, or any part thereof, which transcript shall be duly certified by him to be correct, and for which he shall be entitled to receive from the party requesting the same, five cents per folio, when written out in full, and when, at the request of the party it shall be written in narrative form, ten cents per folio. Said reporter shall be furnished all necessary stationery and supplies. It shall be the duty of such reporter to transcribe free of charge and file as soon as may be, the charge of the court to the jury and

the evidence taken upon preliminary examination, and in cases where the accused is committed to the Industrial School for Boys.

SECTION 13. All fines and penalties imposed by said district court and the costs and fees of trial, shall be payable to the clerk of said court, and it shall be his duty to account for and pay over to the treasurer of said city of Milwaukee, on the first Mondays of January, April, July and October, all fines, penalties, collections and other fees, except witness fees collected which may have come into his hands as such clerk up to the day of such payment, and shall also account for and pay over to said city treasurer on the first Mondays of January and July in each year the witnesses' fees which may have come to his hands as such clerk up to the day of payment which have not been paid to the persons entitled thereto, which witness fees may thereafter be paid by said treasurer to such persons upon the certificate of such clerk specifying the name of the person entitled thereto, the amount due him and the title of the case in which he was a witness. The foregoing provisions shall not apply, however, to witness fees of members of the police department of the city of Milwaukee who may testify for the prosecution. It shall be the duty of the clerk to tax witness fees for such members, but when collected such witness fees shall be paid by the clerk to the treasurer of the policeman relief fund association of the city of Milwaukee, on the first Mondays of January, April, July and October of each year.

Fines and penalties, to whom payable.

§13 C 218 '99
§1 C 363 '01

Ch. 218 § 13
1901 c 363

SECTION 14. All fines and penalties collected in criminal cases except prosecutions for violation of ordinances of said city of Milwaukee and paid into the treasury of said city, shall be accounted for and paid over to the treasurer of said county annually at the time of paying over state and county taxes. The county of Milwaukee shall also, at the same time pay to the city of Milwaukee one-half of the salaries of district judge and the phonographic reporter of said

How accounted for.

court, and one-half of the expenses of blanks, stationery, book and paper cases, desks, record books, office furniture, lights and fuel, used for said court and its clerks and all other expenses of said court which may have been paid for by said city.

Continuance may be granted.

SECTION 15. In all cases brought before the district court, the court may, in its discretion, grant such continuance as may be necessary to the ends of public justice either with or without bail.

Salary of judge.

SECTION 16. The salary of said district judge shall be three thousand dollars a year, payable monthly at the end of each and every month by the city of Milwaukee. The fees of the clerk, witnesses, jurors, sheriff and other officers, and the taxable costs of the suit shall be the same as now in the police or municipal court of said city in the county of Milwaukee in similar cases. In all cases before said district court, the costs shall be paid in criminal prosecutions in the name of the state, by the county of Milwaukee, and in the city prosecutions by the city of Milwaukee, when not otherwise collected, upon a certificate of the clerk of said court.

Imprisonment may be where.

§17 C 218 '99
§1 C 299 '03

Ch. 218 § 17
See 1903 c 299

SECTION 17. All persons convicted in said district court, who would otherwise be sentenced or committed to imprisonment in the county jail or state prison, may be sentenced to imprisonment in the house of correction of Milwaukee county, and the court may order the prisoner to be kept therein at hard labor during the term of his imprisonment, if he shall have the ability to labor.

Appeal may be had.

SECTION 18. Every person convicted before said district court may appeal from the sentence or judgment against him to the municipal court of said city and county of Milwaukee, within the time and in the manner as is now provided by law for appeals in criminal cases from justices of the peace of the county of Milwaukee. Said municipal court is empowered to hear, try and determine such appeals and all provisions of law relating to appeals in criminal cases from justices

courts, and the trial and determination thereof shall apply to appeals from said district court to the municipal court.

Police court, when to be discontinued.

SECTION 19. On the first Monday of May, 1901, all actions, causes, pleadings, processes and proceedings, which may be pending in the police court of the city of Milwaukee in relation to any violations of the ordinances of said city, or the laws of this state, in cases of crimes and misdemeanors not indictable arising in said city and county, and in relation to the examination of persons charged with the commission of an offense in said county and not triable before a justice of the peace, shall on that day be transferred, returnable and continued to and become actions, proceedings and examinations in said district court as herein constituted, and such actions, proceedings and examinations shall, on and after that date, be deemed and treated as pending in said district court for all purposes, to the same extent and with the same effect as if said actions, proceedings and examinations had been originally commenced and had in said district court as herein constituted, but until said first Monday of May 1901, the jurisdiction and procedure of said police court of said city shall continue unaffected by this act.

Powers of police court, when to be repealed.

SECTION 20. When the district court of Milwaukee county shall be duly organized, and not otherwise as herein specified, the police court of the city of Milwaukee shall no longer exist, and all laws and parts thereof establishing the police court of said city of Milwaukee shall be deemed repealed and no longer in force and effect, provided, however, that all criminal actions pending and at issue before any justice of the peace of said county on the first Monday of May, 1901, shall be tried and determined by such justice.

SECTION 21. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed, such repeal taking effect on and after the first Monday of May 1901.

court, and one-half of the expenses of blanks, stationery, book and paper cases, desks, record books, office furniture, lights and fuel, used for said court and its clerks and all other expenses of said court which may have been paid for by said city.

Continuance may be granted.

SECTION 15. In all cases brought before the district court, the court may, in its discretion, grant such continuance as may be necessary to the ends of public justice either with or without bail.

Salary of judge.

SECTION 16. The salary of said district judge shall be three thousand dollars a year, payable monthly at the end of each and every month by the city of Milwaukee. The fees of the clerk, witnesses, jurors, sheriff and other officers, and the taxable costs of the suit shall be the same as now in the police or municipal court of said city in the county of Milwaukee in similar cases. In all cases before said district court, the costs shall be paid in criminal prosecutions in the name of the state, by the county of Milwaukee, and in the city prosecutions by the city of Milwaukee, when not otherwise collected, upon a certificate of the clerk of said court.

§17 C 218 '99
81 C 299 '03

Ch. 218 § 17
See 1903 c 299

Imprisonment may be where.

SECTION 17. All persons convicted in said district court, who would otherwise be sentenced or committed to imprisonment in the county jail or state prison, may be sentenced to imprisonment in the house of correction of Milwaukee county, and the court may order the prisoner to be kept therein at hard labor during the term of his imprisonment, if he shall have the ability to labor.

Appeal may be had.

SECTION 18. Every person convicted before said district court may appeal from the sentence or judgment against him to the municipal court of said city and county of Milwaukee, within the time and in the manner as is now provided by law for appeals in criminal cases from justices of the peace of the county of Milwaukee. Said municipal court is empowered to hear, try and determine such appeals and all provisions of law relating to appeals in criminal cases from justices

courts, and the trial and determination thereof shall apply to appeals from said district court to the municipal court.

Police court, when to be discontinued.

SECTION 19. On the first Monday of May, 1901, all actions, causes, pleadings, processes and proceedings, which may be pending in the police court of the city of Milwaukee in relation to any violations of the ordinances of said city, or the laws of this state, in cases of crimes and misdemeanors not indictable arising in said city and county, and in relation to the examination of persons charged with the commission of an offense in said county and not triable before a justice of the peace, shall on that day be transferred, returnable and continued to and become actions, proceedings and examinations in said district court as herein constituted, and such actions, proceedings and examinations shall, on and after that date, be deemed and treated as pending in said district court for all purposes, to the same extent and with the same effect as if said actions, proceedings and examinations had been originally commenced and had in said district court as herein constituted, but until said first Monday of May 1901, the jurisdiction and procedure of said police court of said city shall continue unaffected by this act.

Powers of police court, when to be repealed.

SECTION 20. When the district court of Milwaukee county shall be duly organized, and not otherwise as herein specified, the police court of the city of Milwaukee shall no longer exist, and all laws and parts thereof establishing the police court of said city of Milwaukee shall be deemed repealed and no longer in force and effect, provided, however, that all criminal actions pending and at issue before any justice of the peace of said county on the first Monday of May, 1901, shall be tried and determined by such justice.

SECTION 21. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed, such repeal taking effect on and after the first Monday of May 1901.

SECTION 22. This act shall take effect and be in force from and after its passage and publication.

Approved April 19, 1899.

No. 310, A.] [Published April 21, 1899.

CHAPTER 219.

AN ACT to amend chapter 278, laws of 1895, entitled "an act to amend section 2 of chapter 112 laws of 1893, entitled 'an act to amend chapter 181, as amended by chapter 61 laws of 1891,' entitled 'an act to create a municipal court for Douglas county.'"

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Jurisdiction of court in civil matters.

SECTION 1. Chapter 278 laws of 1895, is hereby amended so that when amended said chapter 278 shall read as follows: Section 2 of chapter 61, laws of 1889, entitled "an act to create a municipal court for Douglas county," is hereby amended so as to read as follows: Section 2. The municipal court of Douglas county shall have jurisdiction in civil matters over such subjects as justices of the peace have jurisdiction, and where the amount claimed, over and above all set-offs, does not exceed five hundred dollars; and shall have jurisdiction to hear, try and determine all criminal actions arising in said county not punishable by imprisonment in state's prison; and have jurisdiction to hold to bail all persons charged with other offenses against the laws of the state of Wisconsin, and exclusive jurisdiction of all penalties and offenses against the charter, ordinances and by-laws of the city of Superior, and shall have all the jurisdiction of

Jurisdiction in criminal cases.

the justices of the peace and police justice of said county, and may solemnize marriages. The practice and procedure in said court shall comply with the laws relating to justice courts, so far as applicable and not inconsistent with this act, and transcripts of its judgments may be filed with like effect with the clerk of the circuit court of said county. All appeals, civil and criminal, from said court may be had in the same way and with like effect as from courts of justices of the peace either to the circuit or to the superior court of Douglas county. The judge thereof shall have power to sentence and commit all persons convicted of offenses over which he has jurisdiction to try and finally determine, provided that no justice of the peace in the city of Superior shall hereafter exercise criminal jurisdiction. This act shall not be construed to deprive justices of the peace in Douglas county, outside of the city of Superior, of any of their powers or jurisdiction in criminal matters, but such justices of the peace shall have and exercise all the powers and jurisdiction in criminal matters which have been or may hereafter be conferred upon justices of the peace generally. Nothing herein contained shall be construed to deprive the county judge or court commissioner of Douglas county of any of their powers or jurisdiction in criminal matters.

Appeals.

Power of judge to sentence and commit.

SECTION 2. All acts and parts of acts, contravening the provisions of this act, are hereby repealed.

SECTION 3. This act shall take effect and be in force, from and after its passage and publication.

Approved April 19, 1899.

No. 244, A.] [Published April 22, 1899.

CHAPTER 220.

AN ACT to provide for lien for threshing grain and shelling corn, and for its enforcement.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Liens on grain, how taken. Notice of sale, etc.

SECTION 1. Every person who, as owner or lessee of a threshing machine or corn sheller, threshes grain or shells corn for another therewith, shall have a lien upon the grain so threshed and corn so shelled for the value of his services in threshing or shelling the same, to the extent the person contracting such services has an interest therein, from the date of the commencement of such service; and in case the value of such services remains unpaid, may seize and take possession of so much of such grain or corn as shall be necessary to pay for such services and the expenses of enforcing such lien, for the purpose of foreclosing said lien at any time within six months from the last charge for such threshing grain or shelling corn, and sell the same at public auction, upon notice of not less than ten, nor more than fifteen days from the date of such seizure, provided the same be not redeemed before such sale, or be taken by proceedings at law. Notice of such sale to be given personally and by posting in at least three public places in the town where the owner of such grain or corn resides, and also in the town where such sale is to be made, if in another town; and if such owner is a non-resident of the state, in the town where such grain or corn, or some part thereof, was threshed or shelled, and apply the proceeds of such sale to the payment of the amount due for such service, together with the expenses of such seizure and sale, returning the residue, if any, to the party entitled thereto.

SECTION 2. No such lien shall be effectual for any purpose as against an innocent purchaser for value, or the holder of any incumbrance or lien thereon.

SECTION 3. The costs and expenses of seizure and sale aforesaid shall be: seizing grain or corn fifty cents, posting up each notice twelve cents, serving each notice of sale twenty-five cents, for every copy of such notice delivered on request, twelve cents, for each mile actually traveled, going and returning to serve any notice, or to give or to post up notices of sale, ten cents, for conducting such sale, fifty cents, for collecting and paying over all sums upon such sale, five per cent., but in no case shall the whole percentage exceed ten dollars, and all necessary expenses incurred in taking possession of any grain or corn and preserving the same as shall be just and reasonable. Cost and expenses of seizure.

SECTION 4. This act shall take effect and be in force, from and after its passage and publication.

Approved April 20, 1899.

No. 246, S.] [Published April 22, 1899.

CHAPTER 221.

AN ACT regulating the payment of wages in time checks or other paper than legal money.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All corporations or individuals paying wages in time checks or other paper than legal money, shall make such time checks or paper payable in some designated place of business in the county in which the work was per- Time checks payable at a specific place.

formed or at the office of such corporation or individual if within the state of Wisconsin, or at any bank within said state.

Penalty.

SECTION 2. Any corporation or individual failing to comply with the terms of the above section shall upon conviction thereof be fined not to exceed one hundred dollars nor less than ten dollars.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 20, 1899.

No. 210, S.] [Published April 26, 1899.

CHAPTER 222.

AN ACT to amend section 3314 of the statutes of 1898 relating to mechanics' liens.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Rights of owner of land, as to lien.

SECTION 1. Section 3314 of the statutes of Wisconsin for the year 1898 is hereby amended by striking out the following words where they occur in said section to-wit: "This section shall not be construed as giving a lien where the relation of landlord and tenant exists against the interests of the landlord for improvements made or labor performed at the instance of the tenant or lessee, but the lien shall affect the interests of the tenant or lessee only" and by inserting in lieu thereof the following: "this section shall not be construed as giving a lien upon the interests of any owner in land where the work or labor is done, or material is furnished or plans or specifications or estimates are prepared at the request of any person holding such land under any con-

tract of lease, demise, or contract for the sale thereof, with such owner unless there shall also be an express agreement between such owner and the person doing such work or labor or furnishing such material, or preparing such plans, specifications or estimates whereby such owner has agreed to pay for or become responsible for the payment of the same, but such lien shall affect the interests only of the person holding the land under such contract of lease, demise or sale.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 20, 1899.

No. 355, S.] [Published April 22, 1899.

CHAPTER 223.

AN ACT appropriating three hundred dollars to a committee hereafter to be appointed by the governor under the provisions of joint resolution No. 49 S. to procure a medal for Prof. S. M. Babcock.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, to a committee to be appointed by the governor under the provisions of joint resolution No. 49 S. the sum of three hundred dollars, to procure a medal for Prof. S. M. Babcock as provided in said resolution. Any unexpended balance of this appropriation shall be covered back into the treasury. Appropriating $300.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 20, 1899.

No. 350, S.] [Published April 22, 1899.

CHAPTER 224.

AN ACT defining the crime of forgery, and prohibiting the false making, alteration, forging or counterfeiting of any letter or certificate purporting to have been issued by a corporation or person to an employe, or of a card or receipt purporting to have been given by any association of railway employes, and prohibiting the uttering and publishing of any such letter, certificate, card or receipt, and prescribing the punishment therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Forging of receipts of dues, etc.

SECTION 1. Any person who shall falsely make, alter, forge or counterfeit any card or receipt of dues purporting to be given or issued by any association of railway employes, or by any of its officers to its members, with intent to injure, deceive or defraud, shall be punished as hereinafter provided.

Forging of letters of recommendations, etc.

SECTION 2. Any person who shall falsely make, alter, forge or counterfeit any letter or certificate purporting to be given by any corporation or person, or officer or agent of such corporation or person to an employe of such corporation or person at the time of such employe's leaving the service of such corporation or person, showing the capacity or capacities in which such employe

was employed by such corporation or person, the date of leaving the service or the reason or cause of such leaving, with the intent to injure, deceive or defraud, shall be punished as hereinafter provided.

Forging of certificates, cards, etc.

SECTION 3. Any person who shall utter, publish, pass or tender as true, or who shall have in his possession with intent to utter, publish, pass or tender as true, any false, altered, forged or counterfeited letter, certificate, card or receipt, the forging, altering or counterfeiting whereof is prohibited by either of the preceding sections of this act, with intent to injure, deceive or defraud, shall be punished as hereinafter provided.

Penalty.

SECTION 4. Any person violating any of the provisions of this act shall, upon conviction thereof, be punished by imprisonment in the state's prison or county jail not more than one year or by fine not exceeding two hundred dollars.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 20, 1899.

No. 250, S.] [Published April 22, 1899.

CHAPTER 225.

AN ACT creating a board to hear, try and determine complaints regarding the failure of railroads to make connections at junctional points within this state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Personnel of commission.

SECTION 1. The railroad commissioner, attorney general and governor are hereby constituted a board to hear, try and determine the complaints referred to in this act.

Railroad commissioner to investigate complaints and report to board.

SECTION 2. Whenever complaint shall be made in writing to the railroad commissioner concerning the failure of railroads to make connections at junctional points within this state, it shall be his duty to investigate the same, and if, in his judgment, the connections asked for can be made without impairing the rights or convenience of the traveling public, he shall report the same to the board mentioned in section 1 of this act, and said board shall proceed to hear, try and determine the same, and the board provided for in section 1 of this act, shall have power and authority to compel all railroads to make connections at junctional points within this state, where such connection, in the judgment of said board, is deemed proper and reasonable.

Duties of board in complaints against depot facilities.

SECTION 3. Whenever complaint shall be made in writing to the railroad commissioner, concerning the lack of reasonable and proper depot facilities at any railroad junction or crossing, in this state, where passengers are transferred from one train to another, he shall immediately report the same to the board provided for in this act and said board shall proceed to investigate, hear, try and determine the same, and the said

board shall have power and authority to compel the erection and maintenance of depot buildings at said junction or crossing, suitable for the convenience of the traveling public.

SECTION 4. In the hearing of complaints referred to in this act, all of the provisions of section 1794 regarding complaint, shall apply and the board mentioned in section 1, shall have all of the powers mentioned in section 1796.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 20, 1899.

No. 256, S.] [Published April 22, 1899.

CHAPTER 226.

AN ACT to amend section 564, Wisconsin statutes 1898, specifying the duties of the state board of control of reformatory, charitable and penal institutions as to other than state institutions for their protection against fire and other contingencies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Duties of board of control in reference to inspection of jails and county asylums.

SECTION 1. Section 564, Wisconsin statutes of 1898, is hereby amended by inserting, after the word "approved," being the last word in subdivision three of said section, the following: Immediately prior to the occupancy of any such building and semi-annually thereafter, the board of control shall inspect, either as a board or by committee thereof, the equipment and service for protection against fire, the water supply for domestic and fire purposes, and the drainage, heating and ventilating systems thereof. For

the purposes herein specified said board may, by resolution duly adopted and recorded, engage the services of an expert to report and make such recommendations as he may deem necessary in the premises. The fees and expenses of such expert shall be paid by the county in which asylum, poor house, or jail is located. In the event of any deficiency or defect in the provision made under the classifications above specified, it shall be the duty of the board of control to immediately notify the responsible authorities, in sufficient detail, of the extent and character of the equipment necessary, in the premises, and to direct that the requisite work be done. If after the expiration of six months from the date of issuance of such order, the work be not commenced, or if commenced be not completed within a reasonable period, to the satisfaction of said board, it shall be their duty to suspend allowance and payment of the claims against the state, for such aid as provided for by law, until such time as the order issued is faithfully and acceptably complied with, by the authorities of the institution affected by said order.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 20, 1899.

No. 347, S.] [Published April 22, 1899.

CHAPTER 227.

AN ACT to provide for the construction of a dam across Elk creek in the county of Dunn.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. J. P. Ausman, his associates, heirs and assigns are hereby authorized and empowered to erect and maintain a dam across Elk creek in the northeast quarter of the southwest quarter of section 12, township 27 north, range 11 west, in the town of Spring Brook, in the county of Dunn, and to erect and maintain a mill, machinery and necessary appendages to enable him or them to use the water of said creek for milling and manufacturing purposes. Location of dam.

SECTION 2. Nothing in this act shall be so construed as to authorize said J. P. Ausman or his successors to flow the lands of any individual or corporation to the injury of the owner thereof, without full and just compensation therefor, in accordance with the law governing such cases, but the said J. P. Ausman or his successors shall pay in full all damages accruing from such flowage, when they shall be determined either by agreement of the parties, or by due process of law. Provided, the flowage from the dam by this act authorized to be built shall not in any way interfere with the power created by any dam now or hereafter built under a charter granted to J. E. Rork to build and maintain a dam on said section 12. Flowage of land.

SECTION 3. The legislature reserves the right to amend or repeal this act.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 20, 1899.

No. 34, S.] [Published April 25, 1899.

CHAPTER 228.

AN ACT to amend section 609, chapter 33 of the statutes of 1898, relating to arrests and offenses on insane hospital premises, and to give police authority to other institutions.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Officers, janitors and guards of certain state institutions given police powers.

SECTION 1. Section 609 of chapter 33 of the revised statutes of 1898 is hereby amended as follows: strike out first line and all of second line up to and including the word "insane" in second line and substitute in lieu thereof the words "the officers, janitors and guards of all the state charitable, penal and reformatory institutions, and of the county asylums for the chronic insane, and the keepers of poor houses not located within the corporate limits of any village or city." Strike out the words "the hospital and grounds with which they are connected" where they occur in the third and fourth lines of said section and substitute therefor the words "or upon the grounds of such institutions." Strike out the word "thereon" in the fourth line of said section. Strike out the words "of said hospital" where they occur in the fifth line of said section and substitute therefor the words "governing the same." Strike out the words "said hospital" where they occur in the sixth line of said section and substitute therefor the words "any of said institutions or." Strike out the words "superintendent, officers and employees" where they occur in the eighth and ninth lines of said section, and substitute therefor the words "officers, janitors, guards and keepers." Strike out the word "hospitals" where it occurs in the fourteenth line of said section and substitute therefor the word "institu-

tions." Strike out the words "or employees" where they occur in the fifteenth line of said section, and substitute therefor the words "janitors, guards and keepers." Insert between the words "shall" and "be" in the sixteenth line of said section the words "upon conviction," so that said section 609 when so amended shall read as follows: Section 609. The officers, janitors and guards of all the state charitable, penal and reformatory institutions, and of the county asylums for the chronic insane, and the keepers of poor houses not located within the corporate limits of any village or city are empowered to summarily arrest all persons within or upon the grounds of such institutions who shall be guilty of any offense against the laws or the rules and regulations governing the same; to arrest any vagrant or idle person who shall refuse to leave any of said institutions or premises when requested so to do, take such offender before any court of competent jurisdiction and cause proper complaint to be made against him; and for such purpose said officers, janitors, guards and keepers shall possess all the powers and authority of police officers and constables. Any person who shall be guilty of any noisy, boisterous or disorderly conduct, or of fighting, immoderate drinking, drunkenness, indecent exposure of the person, lewd, wanton or obscene conduct, or vulgar or obscene language, or of any offense against the laws or the rules and regulations governing either of said institutions, within the same or the grounds thereof, may be summarily arrested by said officers, janitors, guards or keepers, or any one of them, and shall upon conviction be punished by a fine of not less than one dollar nor more than fifty dollars, or by imprisonment in the county jail not less than two days nor more than sixty days; but if a different penalty or punishment is prescribed by law for any such offense the same may be imposed instead of the penalty or punishment prescribed in this section.

Misdemeanors named and punishment for.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 20, 1899.

No. 94, S.] [Published April 25, 1899.

CHAPTER 229.

AN ACT to amend section 1044 of the statutes of 1898 relating to the taxation of personal property.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

§1 C 229 '99
§2 C 417 '03

Ch. 229 § 1
1903 c 417 § 2

Tax on a partnership business, how entered and collected.

SECTION 1. Section 1044 of the revised statutes is hereby amended by inserting between the words 'tax" and "bank" in the tenth line the following sentence: "All the personal property of one or more persons doing business under an adopted name (as, for example, Mariana Agramonte and Gregorico Legaspi doing business under the name, Phillipine Laundry,) shall be entered in the adopted name, and such persons interested in such business shall be liable jointly and severally for the whole tax," so that said section shall read as follows: section 1044. Personal property which is liable to taxation shall be assessed to the owner thereof except as in this section provided. The assessor shall place upon the assessment roll opposite the name of each person liable to assessment on personal property as hereinafter provided the valuation of all personal property owned by himself or wife or which he has in charge or possession as lessee, occupant, agent, mortgagee, pledgee, parent, guardian, executor, administrator, trustee, assignee or re-

ceiver, which is liable to taxation. All the personal property of a partnership shall be entered in the partnership name and each partner shall be liable for the whole tax. All the personal property of one or more persons doing business under an adopted name (as, for example, Mariana Agramonte and Gregorico Legaspi doing business under the name, Philippine Laundry,) shall be entered in the adopted name, and such persons interested in such business shall be liable jointly and severally for the whole tax. Bank stock shall be entered in the names of the holders of the several shares thereof respectively, and the capital stock of every person, association or corporation (other than banks) engaged in the business of banking, buying and selling exchange and receiving deposits shall be entered in the names of the several owners thereof respectively. In case of the death of the owner of the property and an administrator or executor be not appointed before the succeeding first day of May the property shall be assessed to the estate of such owner; provided, that in case property is assessed to any person as trustee, lessee, occupant, agent, mortgagee, pledgee, parent, guardian, executor, administrator, assignee or receiver, and before the time arrives for the payment of the taxes, such trustee, lessee, occupant, agent, mortgagee, pledgee, parent, guardian, executor, administrator, assignee or receiver, shall render a final acount as such trustee, lessee, occupant, agent, mortgagee, pledgee, parent, guardian, executor, administrator, assignee or receiver, and account to the persons entitled thereto for their share of said property, it shall be lawful for such trustee, lessee, occupant, agent, mortgagee, pledgee, parent, guardian, executor, administrator, assignee or receiver to retain out of the amounts to be paid to the persons entitled thereto a sufficient amount to cover the taxes assessed upon said property.

Bank stock, how entered and assessed.

SECTION 2. This act shall take effect and be

in force from and after its passage and publication.

Approved April 20, 1899.

No. 29, A.] [Published April 22, 1899.

CHAPTER 230.

AN ACT to prevent preference or priority in case of debts or claims due the state or any county, city, town or other municipality from any insolvent bank, banking institution or trust company.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

State, county and municipalities to share pro rata with other creditors.

SECTION 1. If any bank, banking institution or trust company, being indebted to the state of Wisconsin, or indebted to any county, city, town or other municipality therein, for deposits made or indebtedness incurred after the passage of this act, becomes insolvent or bankrupt, the state, county, city, town or other municipality shall not be a preferred creditor and shall have no preference or priority of claim whatever over any other creditor or creditors thereof; but a just and fair distribution of the property of such bank, banking institution or trust company, and of the proceeds thereof, shall be made among the creditors thereof pro rata, according to the amount of their respective claims.

Exemptions.

SECTION 2. Nothing herein contained shall in any manner effect the provisions of law as they now exist providing for the payment of unpaid taxes and assessments, laborer's claims, expenses of assignment and execution of the trust.

SECTION 3. All laws and parts of laws, incon-

sistent and in conflict herewith are hereby repealed; and this act shall take effect and be in force, from and after its passage and publication.

Approved April 20, 1899.

No. 99, A.] [Published April 25, 1899.

CHAPTER 231.

AN ACT to amend section 1529–c of the Wisconsin statutes of 1898, relating to the report of indigent soldiers, sailors and marines.

Ch. 231
109 333

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Supervisors to report indigent soldiers in their wards.

SECTION 1. Section 1529–c of the Wisconsin statutes of 1898, is hereby amended by striking out the words "common council of each city" where the same occur in the second and third lines, and inserting in lieu thereof the words, "supervisor of each ward of a city," so that said section when so amended shall read as follows: Section 1529–c. The chairman of each town board, the board of trustees of each village, and the supervisors of each ward of a city, shall make a written report to the county board, of their respective counties, on or before the first day of their annual meeting, containing the names of all resident indigent persons of the classes mentioned in the preceding section in their respective towns, villages or cities, who may require and be entitled to relief thereunder, and the probable amount necessary for that purpose for the ensuing year; and each county board shall, at the November session thereof, make such levy as will raise the necessary amount.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved April 20, 1899.

No. 332, A.] [Published April 25, 1899.

CHAPTER 232.

AN ACT to provide for the preservation of public health.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

C 232 '99 Repealed §8 C 239 '01

Ch. 232 Repealed. See 1901 c 239 § 8

Rooms, dwelling not to be used for manufacture.

SECTION 1. No dwelling or building, or any room or apartment of itself, in, or connected with any tenement or dwelling or other building, shall be used except by the immediate members of the family living therein, for carrying on any process of making any kind of wearing apparel or goods for male or female wear, use, or adornment, or for the manufacture of cigars, cigarettes, or tobacco goods in any form, when such wearing apparel or other goods are to be exposed for sale, or to be sold by manufacturer, wholesalers or jobber, to the trade or by retail, unless such room or apartment shall have been made to conform to the requirements and regulations provided for in this act.

Regulations governing the manufacturing in rooms or apartments.

SECTION 2. Each such room or apartment used for the purposes aforesaid, shall be regarded as a workshop or factory, and shall be separate from and have no door, window or other opening into any living or sleeping room of any tenement or dwelling, and no such workshop or factory shall be used at any time for living or sleeping purposes, and shall contain no bed, bed-

ding, cooking or other utensils, except what is required to carry on the work therein, and every such shop or factory shall have an entrance from the outside direct, and if above the first floor, shall have a separate and distinct stairway leading thereto, and every such workshop or factory, shall be well and sufficiently lighted, heated and ventilated by ordinary, or, if necessary, by mechanical appliance, and shall provide for each person employed therein, no less than two hundred and fifty cubic feet of air space in day time and four hundred cubic feet at night, and shall have suitable closet arrangements for each sex employed therein, as follows: Where there are ten or more persons, and three or more to the number of twenty, are of either sex, a separate and distinct water closet, either inside the building, with adequate plumbing connections, or on the outside at least twenty feet from the building, shall be provided for each sex; when the number employed is more than twenty-five of either sex, there shall be provided an additional water closet for such sex up to the number of fifty persons, and above that number in the same ratio, and all such closets shall be kept strictly and exclusively for the use of the employes and employer or employers of such workshop or factory; provided that where more than one room is used under the direction of one employer, all such rooms are to be regarded as one shop, or factory, and every such workshop or factory shall be kept in a clean and wholesome condition, all stairways and the premises within a radius of thirty feet, shall be kept clean, and closets shall be regularly disinfected and supplied with disinfectants, and the commissioner of labor and factory inspectors may require all necessary changes, or any process of cleaning, painting or whitewashing which they may deem essestial to assure absolute freedom from obnoxious odor, filth, vermin, decaying matters or any condition liable to impair health or breed infectious or contagious diseases; he shall prevent the operation of such shops or factories that do not conform to

Sanitary regulations.

the provisions of this act, and cause the arrest and prosecution of the person or persons operating the same.

Employers, when not to give out work.

SECTION 3. No person, for himself or for any other person, firm or corporation, shall give out work to or contract with, any other person to perform such work necessary to make such goods mentioned in section 1, after having received notice from the commissioner of labor or factory inspectors that said latter person has not complied with the provisions of section 2 of this act, which notice shall remain in force, until said person has complied with this law, of which notice must be given to the employer by the commissioner of labor or the factory inspectors.

Employers to keep list of persons to whom work is given.

SECTION 4. Every such person, firm or corporation heretofore mentioned, shall obtain and keep a record of all persons to whom work is given out or contracted for, including their names and addresses, which record shall be opened to inspection of the commissioner of labor or the factory inspectors when called for.

Goods, when not to be offered for sale.

SECTION 5. No person, firm or corporation shall receive, handle or convey to others, or sell, hold in stock or expose for sale, any goods mentioned in section 1, unless made under the sanitary conditions provided for and prescribed in this act; but this act shall not include the making of garments or other goods, by any person for another by personal order, and when received for wear or use direct from the maker's hands, and all violations of the provisions of this act, shall be prosecuted by any of the factory inspectors with the advice and consent of the commissioner of labor.

Penalty for violation of act.

SECTION 6. Any person, firm or corporation who shall violate any of the provisions of this act, shall upon conviction thereof, be fined in any sum not less than fifty dollars, nor more than one hundred dollars for each offense, or imprisoned not less than thirty, nor more than sixty days, or both; and in all prosecutions brought by or under the direction of the commissioner of labor for the violation of this act, he shall not be

held to give security for costs, or adjudged to pay any costs, but in all cases where the accused be acquitted, or is found to be indigent, the costs shall be paid out of the county treasury of the county in which the proceedings are brought, the same as the costs in all other cases of misdemeanor.

SECTION 7. This act shall take effect and be in force, from and after its passage and publication.

Approved April 20, 1899.

No. 334, A.] [Published April 25, 1899.

CHAPTER 233.

AN ACT to amend sections 428 and 428a of Wisconsin statutes of 1898, relating to who may vote at district school meetings.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 428 Wisconsin statutes of 1898, is hereby amended by adding thereto the following: "provided that such elector has resided therein for at least thirty days next preceding any meeting;" so that said section when amended shall read as follows: Section 428. Every resident elector of the district shall be entitled to vote in any meeting, provided such elector has resided therein for at least thirty days next preceding any meeting.

Thirty days residence required.

SECTION 2. Section 428a is hereby amended by striking out the word "ten" in the fifth line of said section, and insert in lieu thereof "thirty," so that said section when amended shall read as follows: Section 428a. Every woman who is a citizen of this state, of the age

Thirty days residence for women required also.

of twenty-one years or upwards, except paupers, persons under guardianship and persons otherwise excluded by section 2 of article 3 of the constitution of Wisconsin, who has resided in the state one year, and in the election district where she offers to vote, thirty days next preceding any election pertaining to any school matters, shall have a right to vote at such election.

SECTION 3. This shall take effect and be in force, from and after its passage and publication.

Approved April 20, 1899.

No. 514, A.] [Published April 25, 1899.

CHAPTER 234.

AN ACT to prevent the adulteration of and deception in, the sale of flaxseed or linseed oil.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Requirements as to process of manufacture.

SECTION 1. No person, firm, association or corporation shall manufacture for sale, offer or expose for sale in this state, any flaxseed or linseed oil for other than food purposes, unless the same answers a chemical test for purity recognized in the United States pharmacopoeia, or any flaxseed or linseed oil as "boiled linseed oil" unless the same shall have been put in its manufacture, to a temperature of two hundred and twenty-five degrees Fahrenheit.

Oils to be properly labeled.

SECTION 2. No person, firm, association or corporation shall at any time, personally or by clerk or agent, sell, expose or offer for sale, dispose of or attempt to dispose of, any flaxseed or linseed oil unless so done under the true name of such oil, and unless each tank car, tank, barrel, keg, can or other vessel containing such oil has,

at such time, distinctly and durably painted, stamped, stenciled or marked thereon, in ordinary full faced capital letters, not less than five line pica in size, the true name thereof in the words "pure linseed oil raw" or "pure linseed oil boiled" as the fact may be, and also the name and address of the manufacturer or dispenser thereof.

Adulteration prohibited.

SECTION 3. No person, firm, association or corporation shall, at any time, personally, or by any clerk or agent, adulterate any "pure linseed oil raw" or "pure linseed oil boiled," by adding thereto any other oil or substance or thing whatever, for the purpose or with the intent to sell, expose or offer for sale, such mixture or compound as the pure article, nor shall any person, firm, association or corporation, personally, or by any clerk or agent, paint, stamp, stencil or mark any tank car, tank, barrel, keg, can or other vessel so as to falsely represent that it contains either "pure linseed oil raw" or "pure linseed oil boiled," nor so as to falsely represent the manufacturer thereof, nor permit or suffer any such false painting, stamping, stenciling or marking.

Penalty for violation.

SECTION 4. Any person, firm, association or corporation who shall violate any of the provisions of this act, shall be punished by a fine of not less than fifty dollars, nor more than five hundred dollars, or by imprisonment in the county jail for not more than six months.

Duty of dairy and food commissioner.

SECTION 5. It is hereby made the duty of the dairy and food commissioner, to see that the provisions of this act are enforced, and personally or by his assistants, to inspect any flaxseed or linseed oil, made or offered for sale in this state, and any tanks, barrels, kegs, cans or other vessels containing the same in this state which he may suspect or have reason to believe, fails to comply with the provisions of this act, and to prosecute or cause to be prosecuted, any person, firm, association or corporation, whom he may suspect or have reason to believe, has violated any of the provisions of this act, which prosecu-

tion shall be conducted by the district attorney in the same manner as is now provided in case of the violation of the laws relating to the sale of impure, adulterated or counterfeit articles of food, or drink, or drug.

SECTION 6. This act shall take effect and be in force, from and after its passage and publication.

Approved April 20, 1899.

No. 515, A.] [Published April 25, 1899.

CHAPTER 235.

AN ACT granting to the United States, jurisdiction over certain lands in Eau Claire county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Jurisdiction granted except for service of civil and criminal process.

SECTION 1. The consent of the state of Wisconsin is hereby given to the purchase by the United States, of any tract or tracts of land in the city and county of Eau Claire, for the erection of a building under the provisions of an act of congress, approved March 2nd., 1899, entitled, "an act to provide for the purchase of a site, and the erection of a public building thereon at the city of Eau Claire, in the state of Wisconsin," and the state hereby cedes to the United States exclusive jurisdiction over such tract or tracts of land as shall be purchased for the purposes aforesaid, so long as they shall be or remain the owner thereof, for all purposes except the service of civil and criminal process therein.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved April 20, 1899.

No. 518, A.] [Published April 25, 1899.

CHAPTER 236.

AN ACT granting to the United States, jurisdiction over certain lands in Rock county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Jurisdiction granted except for service of civil and criminal process.

SECTION 1. The consent of the state of Wisconsin is hereby given to the purchase, by the United States, of any tract or tracts of land in the city of Janesville and county of Rock, for the erection of a building under the provisions of an act of congress approved March 2nd, 1899, entitled, "an act to provide for the construction of a public building at the city of Janesville, Wisconsin," and the state hereby cedes to the United States, exclusive jurisdiction over such tract or tracts of land as shall be purchased for the purpose aforesaid, so long as they shall be or remain the owner thereof, for all purposes except the service of civil and criminal process therein.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved April 20, 1899.

No. 241, S.] [Published April 25, 1899.

CHAPTER 237.

AN ACT to amend section 458c of the Wisconsin statutes of 1898, relating to common schools and teachers thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Diplomas of universities and normal schools, in this and other states.

SECTION 1. Section 458c of the Wisconsin statutes of 1898 is hereby amended by striking out the words "of two years' successful teaching in a public school after the date of said diploma" where the same occur in the ninth and tenth lines of said section, and inserting in lieu thereof the words, "if a holder of a diploma granted by any such college or university located within this state of one year's successful teaching in a public school after the date of said diploma; if a holder of a diploma granted by any such college, university or normal school not located within the state, the applicant shall furnish therewith like testimonials of good moral character, and of two years' successful teaching in a public school after the date of said diploma," so that said section when so amended shall read as follows: section 458c. The holder of a diploma granted by any incorporated college or university whose regular collegiate courses are fully and fairly equivalent to corresponding courses of the university of Wisconsin, or the holder of a diploma granted by a state normal school whose courses of study are fully and fairly equivalent to the courses of study in the Wisconsin normal schools, may present such diploma, together with evidence of the required standing of the college, university or normal school granting the same, to the board of examiners. The applicant shall furnish therewith testimonials of good moral character and, if a holder of a diploma granted

by any such college or university located within this state, of one year's successful teaching in a public school after the date of said diploma; if a holder of a diploma granted by any such college, university or normal school not located within the state, the applicant shall furnish therewith like testimonials of good moral character, and of two years' successful teaching in a public school after the date of said diploma. The holder of any such diploma recommended favorably by the board shall be entitled to receive an unlimited state certificate. The holder of a diploma granted upon the completion of a course of study accredited as herein provided, upon which a state certificate has not been issued, upon the recommendation of the board of examiners made in pursuance of such examination as to learning, moral character and ability to teach as said board may require, may be given a special license by the state superintendent to teach for two years in a public school.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 21, 1899.

No. 365, S.] [Published April 25, 1899.

CHAPTER 238.

AN ACT to correct an error in the name in chapter 161 of the laws of 1899.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter 161 of the laws of 1899 is hereby amended by striking out the words "state library commission" wherever they occur

Changing name to free library commission.

in said chapter and inserting in lieu thereof the words "free library commission" so that the section when amended shall read as follows: "The free library commission is hereby empowered to conduct a summer school of library science in connection with the summer school of the university of Wisconsin, and to hold librarians' institutes in various parts of the state in order to train librarians of public, school and traveling libraries to make wiser and more effective use of the libraries in their charge. The commission is also authorized to accept, arrange and circulate books, traveling libraries and pictures to be loaned to public libraries, traveling library associations, study clubs, farming communities, charitable and penal institutions, and individuals, under such conditions and restrictions as shall make them of the greatest good to the greatest number. In order to care for such traveling libraries, to bind periodicals for them, to encourage the growth of study clubs in connection with them, to train librarians to be better educators, to aid more efficiently in the proper organization of new libraries, and to aid in building up a better system of popular education for people who have finished their education in the schools, there is hereby annually appropriated to the free library commission, in addition to such sums as have been heretofore appropriated, the sum of three thousand and five hundred dollars, and any balance not expended in any one year may be added to the expenditure for any ensuing year."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 22, 1899.

No. 338, S.] [Published April 25, 1899.

CHAPTER 239.

AN ACT to appropriate certain sums of money to the regents of the University of Wisconsin for the increase of the dairy herd, enlargement of the dairy building with change of heating apparatus for a building for the college of engineering and a water tower for the supply of water to the capitol.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated from the general fund of the state to the university fund income of the University of Wisconsin, for a suitable increase of the dairy herd, and for a necessary enlargement of the dairy building, with changes in heating apparatus, the sum of thirty-five thousand dollars; and for a suitable building for the College of Engineering the further sum of one hundred thousand dollars; and for an adequate water tower for the supply of water to the capitol the further sum of sixteen thousand dollars; all to be expended in such manner and at such times, for the purposes aforesaid, as in the judgment of the regents shall seem best; provided however that no plan or plans shall be adopted, and no contract or contracts shall be entered into by the board of regents of the university, for the construction or erection of any building or other structure or thing, specified in this act, until such plans and contracts, with estimates of the total costs thereof, shall first have been submitted to and in writing approved by the governor of the state, who shall withhold such approval until he shall satisfy himself by a personal examination of the same, and by such other means as he in his discretion may adopt, that any such building,

Appropriation for engineering college, water-tower and dairy building.

81 C 239 '99
81 C 372 '03
Ch. 239 § 1
1903 c 372

Plans to be approved by governor.

structure or thing can and will be erected, and fully completed, according to such plans or contracts for a sum of money not exceeding the amount hereby appropriated for such particular purpose."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 22, 1899.

No. 43, A.] [Published April 26, 1899.

CHAPTER 240.

AN ACT relating to arson and amendatory of section 4403 of chapter 182 of the Wisconsin statutes of 1898.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Burning of lumber, grain, or farm products.

SECTION 1. Section 4403 of the Wisconsin statutes of 1898 is hereby amended as follows: by inserting after the word soil in the fifth line the following words: "or any farm machinery, or any other personal property" so that said section when amended shall read as follows: Section 4403. Any person who shall wilfully and maliciously burn any pile or parcel of boards, wood, railroad ties, timber or other lumber, or any stack of hay, grain, or other vegetable product, or any vegetable product severed from the soil but not stacked, or any standing grain, grass, or other standing product of the soil or any farm machinery, or any other personal property of another shall be punished by imprisonment in the state prison not more than three years nor less than one year.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved April 22, 1899.

No. 534, A.] [Published April 25, 1899.

CHAPTER 241.

AN ACT to authorize the commissioners of public lands to loan a portion of the trust funds of the state to the county of Door and to the city of Sturgeon Bay, Wisconsin, respectively.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Loan of $60,000 to county, and $12,000 to city authorized.

SECTION 1. The commissioners of public lands are hereby authorized to loan a portion of the trust funds of this state, not exceeding sixty thousand dollars, to the county of Door, state of Wisconsin, and a sum not to exceed twelve thousand dollars to the city of Sturgeon Bay, county of Door, and the said county and said city are hereby authorized to borrow of said commissioners said amounts and to issue to said commissioners certificates of the indebtedness so contracted. The said loans shall be made to said county and to said city for the sole purpose of refunding the bonded indebtedness of said county and said city respectively. The said indebtedness shall bear interest at the rate of three and one-half per cent. per annum, payable annually, and the said indebtedness shall be paid in twenty equal annual payments, the first payment falling due on the first day of February of the next succeeding year, after said indebtedness shall have been created.

Loans, how repaid.

SECTION 2. Each and every year, until the entire loans be repaid, the secretary of state shall, when he apportions the state tax among the several counties of the state, and certifies the same to the county clerks, add to the state tax which would be properly chargeable to the county of Door, the annual interest due the state on such loans, together with the amount of the principal sums so loaned falling due on the first day of the following February. It shall be the duty of the county clerk of said county of Door, on receiving a certified statement of the amount so due from the county of Door and the city of Sturgeon Bay, to include said amounts in his apportionment of the state taxes to said county and to said city, and the same shall be levied and collected out of the taxable property of said county and said city respectively, and paid over to the county treasurer of the county of Door, and by him to the state treasurer, in the same way and at the same time as other state taxes are collected and paid.

Limitations as to indebtedness of city and county.

SECTION 3. It is hereby provided that said county of Door and city of Sturgeon Bay shall never, during the period for which said loans shall remain unpaid, become indebted or contract debts for a greater amount, including debts heretofore contracted, as well as that herein authorized, than five per centum on the value of all taxable property in said county and said city respectively, to be ascertained by the last assessment for state and county taxes previous to incurring the indebtedness authorized by this act.

County board and common council to adopt provisions of act.

SECTION 4. Before contracting any indebtedness hereunder, and before any of said trust funds shall be delivered to said county of Door and said city of Sturgeon Bay, in exchange for said certificates of indebtedness, the county board of said county and the common council of said city shall by resolutions accept the provisions of this act, and the terms and limitations herein provided, and shall file with the secretary of state copies of said resolutions, certified by the clerk of said county and the clerk of said city respect-

ively. The certificates of indebtedness herein provided for shall be made payable to the commissioners of the public lands, and shall be signed by the chairman of said county board, and by the mayor of said city respectively, and countersigned by the clerks thereof respectively. All moneys obtained in exchange for said certificates shall be used for the purpose of paying the bonded indebtedness of said county of Door and city of Sturgeon Bay respectively, and for no other purpose.

SECTION 5. This act shall take effect and be in force, from and after its passage and publication.

Approved April 22, 1899.

No. 245, A.] [Published April 25, 1899.

CHAPTER 242.

AN ACT to appropriate a sum of money to persons therein named for losses incurred by them as sub-contractors in the construction of the additions and improvements on Ladies' Hall.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for losses incurred by the following named persons, who were sub-contractors under Thomas R. Bentley, principal contractor for the erection and completion of the improvements and additions to Ladies' Hall, Madison, Wisconsin; to Joseph Skobis and Frank Skobis, one thousand one hundred and thirteen dollars and fifty cents; to William Owens, one thousand

Appropriating $2,700.31.

and two dollars; to W. H. Stephenson and Herman Studeman, three hundred and thirty-four dollars; to Rhode and Patek brothers, two hundred and fifty dollars and eighty-one cents.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved April 22, 1899.

No. 270, S.] [Published April 26, 1899.

CHAPTER 243.

Ch. 243
See 05 c 472

AN ACT to regulate the employment of legislative lobby counsel and agents and to provide for the return of legislative expenses.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Lobby defined. Persons engaged in, to register within one week after employment.

SECTION 1. Every person, corporation or association which employs any person to act as counsel or agent to promote or oppose in any manner, the passage by the legislature of any legislation affecting the pecuniary interests of any individual, association or corporation as distinct from those of the whole people of the state, or to act in any manner as a legislative counsel or agent in connection with any such legislation, shall, within one week after the date of such employment, cause the name of the person so employed or agreed to be employed, to be entered upon a legislative docket as hereinafter provided. It shall also be the duty of the person so employed to enter or cause to be entered his name upon such docket. Upon the termination of such employment such fact may be entered opposite the name of any person so employed either by the employer or employe.

SECTION 2. The secretary of state shall prepare and keep two legislative dockets in conformity with the provisions of this act, one of which shall be known as the docket of the legislative counsel before committees, and the other as the docket of legislative agents. In the docket of legislative counsel shall be entered the names of counsel or persons employed to appear at a public hearing before a committee of the legislature for the purpose of making an argument or examining witnesses, and also the names of any regular legal counsel of any person, corporation or association who act or advise in relation to legislation; in the docket of legislative agents shall be entered the names of all agents employed for any purpose in connection with any legislation included within the terms of section 1 of this act. In such dockets shall be entered the names and business address of the employer, the name, residence and occupation of the person employed, the date of the employment or agreement therefor, the length of time that the employment is to continue, if such time can be determined, and the special subject or subjects of legislation, if any, to which the employment relates. Such dockets shall be public records and open to the inspection of any citizen upon demand at any time during the regular business hours of the office of the secretary of state.

Two dockets to be kept by secretary of state. Legislative counsel docket, what to contain.

Legislative agent docket, what to contain.

SECTION 3. Any person, corporation or association employing any legislative counsel or agent shall, whenever further subjects of legislation are introduced or arise which such counsel or agent is to promote or oppose, make or cause to be made additional entries opposite his or its name in the appropriate docket, stating such special employment and specifically referring to the petitions, orders, bills or other subjects of legislation to which the same relates, and such entries shall also be made opposite the names of such counsel or agents, in such manner that such entries shall show all the subjects of legislation in relation to which any counsel or agent is em-

Duties of persons, etc., employing lobbyists.

Legislative counsel and agents must register before acting as such.

ployed. No person shall appear as counsel before any committee of the legislature or of either branch thereof, or act as agent in respect to any legislation coming within the terms of section 1 of this act, unless his name appears upon the docket of legislative counsel or agent as employed in respect to such matter as above provided. No person, private or public corporation or association shall, directly or indirectly, employ any person as legislative counsel or agent in respect to any legislation coming within the terms of section 1, unless the name of such person is duly entered on the legislative docket as provided by this act. No person shall be employed as a legislative counsel or agent for a compensation dependent in any manner upon the passage or defeat of any proposed legislation or upon any other contingency connected with the action of the legislature, or of either branch thereof, or of any committee thereof. No person whose name is entered on the docket of the legislative counsel shall render any service as legislative counsel or agent otherwise than by appearing before a committee, as aforesaid, and by doing work properly incident thereto, or by giving legal advice in the case of regular legal counsel of corporations or associations, unless his name is also entered on the docket of legislative agents.

Legislative counsel and agent to file authorization to act as such.

SECTION 4. Legislative counsel and agents required to have their names entered upon the legislative docket shall file with the secretary of state within ten days after the date of making such entry a written authorization to act as such, signed by the person or corporation employing them.

Account of expenses to be filed.

SECTION 5. Within thirty days after the final adjournment of the legislature every person, corporation or association, whose name appears upon the legislative dockets of the session, shall file with the secretary of state a complete and detailed statement, sworn to before a notary public or justice of the peace by the person making the same, or in the case of a corporation by

its president or treasurer, of all expenses paid or incurred by such person, corporation or association, in connection with the employment of legislative counsel or agents, or in connection with promoting or opposing in any manner, the passage by the legislature of any legislation coming within the terms of section 1 of this act. Corporations and individuals within the provisions of this act shall render such accounts in such form as shall be prescribed by the secretary of state, and such reports shall be open to public inspection.

Penalties for violations.

SECTION 6. Any person, corporation or association violating any provision of this act shall for such offense be fined not less than two hundred dollars nor more than five thousand dollars. Any person employed as legislative counsel or agent who shall fail to comply with any provision of this act or who shall act as legislative counsel or agent contrary to the provisions of this act shall be fined not less than one hundred dollars nor more than one thousand dollars, and shall be disbarred from acting in the capacity of a legislative counsel or agent for the period of three years from the date of such conviction. It shall be the duty of the attorney-general, upon information, to bring prosecutions for the violation of the provisions of this act.

Exemptions.

SECTION 7. This act shall not apply to any municipality or other public corporation.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved April 22, 1899.

1899 c 244
119 260

No. 145, S.] [Published April 26, 1899.

CHAPTER 244.

AN ACT to detach certain territory from the town of Sugar Camp in the county of Oneida, and attach the same to the town of Gagen in said Oneida county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Territory to be detached.

SECTION 1. Township number thirty-eight (38) north, of range ten (10) east, and the south half of township number thirty-nine (39) north, of range ten (10) east, in Oneida county, are hereby detached from the town of Sugar Camp in said county and the same are hereby attached to and made a part of the town of Gagen in said county.

SECTION 2. The provisions of section 2 of chapter 334 of the laws of 1885 shall not apply to the territory hereby detached from said town of Sugar Camp and attached to said town of Gagen.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 26, 1899.

No. 110, A.] [Published April 28, 1899.

CHAPTER 245.

AN ACT conferring additional powers upon the trustees of the several county asylums for the chronic insane, and superintendents of the poor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Given power to prosecute actions and collect accounts.

SECTION 1. The trustees of each county asylum for the chronic insane and ex-officio trustees of the poor, shall have power to commence and prosecute in the name of the county any proper action or actions to enforce and collect any account, claim or demand that may arise or accrue to the county in their administration of the business affairs of such asylum, or to recover damages for injuries to the property of the county which is under the charge of such trustees or ex-officio trustees of the poor, or to recover any of such property unlawfully taken or detained or converted, or the value thereof; and the trustees may employ counsel for that purpose. The trustees shall account to the county board of supervisors for all moneys so recovered or collected.

SECTION 2. This act shall not affect counties having a population of one hundred and fifty thousand or over.

SECTION 3. This act shall take effect and be in force, from and after its passage and publication.

Approved April 26, 1899.

No. 478, A.] [Published April 28, 1899.

CHAPTER 246.

AN ACT to regulate the manner of improving boulevards and pleasureways, between lot line and curb of such boulevard or pleasureway.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Improvements to be made at expense of abutting property

SECTION 1. In all cities of the first class authorized to levy a tax for park purposes, and having a board of park commissioners, whenever any street or highway may have been or shall be hereafter set aside as a boulevard or pleasureway, it shall be lawful for such board of park commissioners to improve the ribbons between the lot line and curb of such boulevard or pleasureway, by the laying out of lawns, and maintaining the same and the planting and protecting of trees thereon. The first cost of making such improvements and the planting of such trees and the protection thereof, shall be assessed by the board of park commissioners upon the lots or parcels of land abutting on such boulevard or pleasureway at an equal rate per lineal foot. The cost of maintaining, sprinkling and keeping the grass cut, and the protection of trees and their renewal, between the lot line and the curb in front of each lot and parcel of land, shall be chargeable and assessed upon the lots or parcels of land abutting upon such boulevard or pleasureway. A strict account of the cost of maintaining, sprinkling and keeping the grass cut, and the protection of trees and their renewal, between the lot line and the curb in front of each lot or parcel of land, shall be kept by said board of park commissioners, and it shall be the duty of said board of park commissioners whenever such an assessment or assessments shall have been made, to forthwith transmit a copy thereof to the comp-

Duty of park commissioners.

troller of each city, showing specifically the amount assessed against each lot or parcel of land abutting on said boulevard or pleasureway. Such comptroller shall include such assessment or assessments in his annual schedule submitted to the common council to be levied and collected as other special assessments are levied and collected.

Maximum and minimum assessments.

SECTION 2. In no case shall the assessments so made for the first cost be higher than fifty five cents per lineal foot and the annual assessments for maintaining, sprinkling and keeping the grass cut and protection of trees and their renewal between the lot line and the curb line, be higher than fifteen cents per lineal foot.

SECTION 3. This act shall take effect and be in force, from and after its passage and publication.

Approved April 26, 1899.

No. 537, A.] [Published April 28, 1899.

CHAPTER 247.

AN ACT to amend section 4 of chapter 181 of the laws of 1889, as amended by section 3 chapter 61 of the laws of 1891, and section 3 chapter 112 of the laws of 1893, relating to the municipal court of Douglas county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Powers of municipal judge. Salary, how paid.

SECTION 1. Section 4 of chapter 181 of the laws of 1889, as amended by section 3, chapter 61 of the laws of 1891, and section 3, chapter 112 of the laws of 1893, is hereby amended so as to read as follows: Section 4. Said judge shall file his oath of office and official bond in manner

and form as provided for justices of the peace. The person designated and elected as municipal judge of said court shall have the control and direction of the commencement of all actions, and of the proceedings therein, and in the event of the disqualification or absence of such municipal judge, the duties of said office shall be performed by a justice of the peace, who shall be thereunto designated by said municipal judge, in writing, and when performing such duties said justice of the peace shall receive three dollars for each half day and five dollars for each whole day, in lieu of all fees, one-half to be paid by the city of Superior, and one-half by the county of Douglas. Said municipal judge shall receive as compensation a salary of twelve hundred dollars per annum, six hundred dollars to be paid monthly from the treasury of Douglas county, six hundred dollars to be paid monthly from the treasury of the city of Superior, and said twelve hundred dollars to be in full payment of all his fees for cases arising out of said ordinances and the penal statutes of the state. In case of voluntary absences of the municipal judge, he shall be liable for all pay exceeding three hundred dollars in any calendar year, of the justices of the peace when called in by him.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved April 26, 1899.

No. 263, A.] [Published April 28, 1899.

CHAPTER 248.

AN ACT to provide for the remodeling of that portion of the south wing of the capitol building, now occupied by the State Historical Society, and making an appropriation therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The superintendent of public property is hereby authorized, by and under the direction of the governor, to procure plans and specifications for the remodeling of that portion of the south wing of the capitol building now occupied by the state historical society, said plans to provide for not less than nine committee rooms for the exclusive use of committees of the legislature when in session, to be located upon the main floor now occupied by the said historical society, and also for a general assembly room for the exclusive use of committee work for the legislature when in session, to be located upon the upper floor. When such plans and specifications have been prepared, and approved by the governor, and the premises vacated by the state historical society, said superintendent of public property shall advertise for bids for remodeling the same in accordance with the plans and specifications so prepared, and shall specify in said advertisement, and in the contract made in pursuance thereof, that the said work shall be completed prior to the first day of January 1901. The said superintendent shall require the contractor to give a good and sufficient bond for the faithful performance of the said contract, which bond shall be approved by the governor.

Providing for not less than nine committee rooms and a general assembly room.

Governor to approve plans.

SECTION 2. There is hereby appropriated out of any money in the state treasury, not otherwise

$4,000 appropriated.

appropriated, four thousand dollars, for the purposes of this act.

SECTION 3. This act shall take effect and be in force, from and after its passage and publication.

Approved April 26, 1899.

No. 520, A.] [Published April 28, 1899.

CHAPTER 249.

Ch. 249
See 1901 c 158

AN ACT to amend section 170 of the Wisconsin statutes of 1898, so as to allow the state board of control to employ an additional clerk to be known as the assistant chief clerk.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

An assistant chief clerk authorized at $900 per year.

SECTION 1. For the purpose of authorizing the state board of control to employ an additional clerk to be designated as the assistant chief clerk, the last paragraph in that part of section 170 of the revised statutes which fixes the compensation of the members of said board, its secretary, clerks and stenographer, being the last paragraph in the section save two, is hereby amended to read as follows: Section 170. The other persons employed in the office of the board of control the following sums: A chief clerk twelve hundred dollars, an assistant chief clerk, nine hundred dollars, an additional clerk seven hundred and twenty dollars and a stenographer seven hundred and twenty dollars.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved April 26, 1899.

No. 275, A.] [Published April 28, 1899.

CHAPTER 250.

AN ACT to provide for a more complete registration of births.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Duty of attending physician or midwife to report birth.

81 C 250 '99
81 C 415 '03
Ch. 250 § 1
1903 c 415

SECTION 1. Amend section 1023a of the Wisconsin statutes of 1898, by inserting before the word "it" in the first line thereof, the following: "it shall be the duty of every physician attending the birth of a child, to give the notice as in this section provided, and where no such physician is in attendance the midwife shall give such notice, if in attendance, and when no physician or midwife is in attendance, then," so that said section when so amended shall read as follows: Section 1023a. It shall be the duty of every physician attending the birth of a child to give the notice as in this section provided, and where no such physician is in attendance the mid-wife shall give such notice, if in attendance, and where no physician or mid-wife is in attendance, then it shall be the duty of parents and of every householder to give notice of the birth of any child occurring in such household, within thirty days after such birth, to the health officer of the board of health existing in the city, village or town in which the birth occurs, and in case no health officer exists therein, the said notice shall be given to the city, village or town clerk; the keeper of a work-house, house of correction, prison, hospital or alms house and the master or other commanding officer of a ship, shall give like notice of every birth occurring among the persons under his charge; said notice shall give the full name of the child, if it have any, color, sex, name of other issue living, born of same parents, full name of

Duty of parents and others.

Notice, what to contain.

mother previous to marriage, hour, day of week, of month, and year of birth, the place, town or township and county in which born, birthplace of father and birthplace of mother. Said notices shall be made on blanks furnished by the secretary of state through the register of deeds of each county, and shall contain at the bottom a blank for the registry of any important information not already recorded, and also a space for the health officer, town or city clerk to certify that the above is a true return of said birth and of the other facts there recorded, together with the date thereof. It shall be the duty of the health officer of every board of health in this state, or in places where no board of health exists, the city, town or village clerk, to collect all of the births that occur in the city, town or village in which he is an officer, and at the end of each month to certify all such notices of birth as he may have received or collected, and forward same to the register of deeds of the county in which such births occurred.

Boards of health and clerks of municipalities to collect births.

SECTION 2. Section 1024c of the Wisconsin statutes of 1898, is hereby repealed.

SECTION 3. This act shall take effect and be in force, from and after its passage and publication.

Approved April 26, 1899.

No. 177, A.] [Published April 27, 1899.

CHAPTER 251.

AN ACT to regulate the issuing of warehouse certificates in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Ch. 251 1901, c 107

Ch. 251 See 1903 c 412

C 251 '99 See C 412 '03

SECTION 1. All persons, firms or corporations owning or dealing in grains, seeds or other farm products, or engaged in the business of slaughtering cattle, sheep or hogs, and dealing in the various products therefrom, or buying or selling butter, eggs, cheese, dressed poultry or other similar commodities, who own or control the structures wherein any such business is conducted, or such commodities stored, may issue elevator or warehouse certificates or receipts for any such commodities actually on hand and in store, the property of such person, firm or corporation, and may, by the issue of such certificates, sell, assign, encumber or pledge such commodities. Such cer-certificate or receipt shall contain the date of its issue, the name and address of the person, firm or corporation issuing the same, and the name and address of the party to whom issued, the location of the elevator, warehouse or structure wherein the commodity therein described is stored, the quantity of each commodity mentioned therein, the brands or marks of identification thereon, if any, and shall be signed by the person, firm or corporation issuing the same.

Who may issue certificates and what they must contain.

§1 C 251 '99 §1 C 107 '01

§1 C 251 '99 §1 C 73 '03

Ch. 251 § 1 1901 c 107

Ch. 251. § 1 1903, c 73

Ch. 251 § 1 05 c 383

SECTION 2. Before any such person, firm or corporation, except as hereinafter provided, shall be authorized to issue such elevator or warehouse certificates or receipts, he or it, as the case may be, shall file in the office of the register of deeds of the county wherein such elevator, warehouse or other structure is situated, a written declaration which shall contain the name and place of

Declaration of business, etc., to be filed with register of deeds.

residence or location of such person, firm or corporation, and shall state that he or it designs keeping or controling an elevator, warehouse or other structure for the storage and sale of commodities mentioned in the preceding section, and shall contain an accurate description of such elevator, warehouse or other structure, the location thereof, and the name or names of any person, other than the one making such declaration, who has any interest in such elevator, warehouse or structure, or in the land upon which it is situated. Such declaration shall be signed and acknowledged by the party making the same, before some officer authorized to take acknowledgments of deeds, and shall be recorded in the office of the register of deeds for said county.

Certificates to contain record of recording before it conveys title.

SECTION 3. Each certificate or receipt issued by any such person, firm or corporation, under the provisions of this act, shall have printed on the back thereof a statement that the party issuing the same has complied with the requirements of section 2 of this act, giving the book, page and name of the county where the record of such declaration may be found. When such certificate or receipt is so issued and delivered, it shall have the effect of transferring to the holder thereof the title to the commodities therein described or enumerated, and shall thereafter be assignable and transferable by delivery, and such delivery shall transfer to any bona fide holder in due course, the title to the commodities therein described or enumerated, against all persons claiming title subsequent to the issuing and delivery of such certificate or receipt.

Certificates to be registered by issuing party.

SECTION 4. All certificates or receipts given under the provisions of this chapter, shall be registered by the party issuing them in a book kept for that purpose, showing the date thereof, the number of each, the name of the party to whom issued, the quantities and kinds of commodities enumerated therein, and the brands or other distinguishing marks thereon, if any, which book shall be open to the inspection of any person holding any of the certificates or receipts that

may be outstanding and in force, or his agent or attorney, and when any commodity enumerated in any such certificate is delivered to the holder thereof, or it in any other manner becomes inoperative, the fact and date of such delivery or other termination of such liability shall be entered in such register, in connection with the original entry of the issuance thereof.

Property to be in warehouse before certificate is issued.

SECTION 5. No person, firm or corporation shall issue any elevator or warehouse certificates or receipts for any of the commodities mentioned in this chapter, unless such property is actually in the elevator or warehouse, or structure mentioned therein as the place where such commodity is stored, and it shall remain there until otherwise ordered by the lawful holder of such certificate or receipt, subject only to the lien of the warehouseman thereon and his right to enforce the same. No second certificate or receipt shall be issued for the same property, or any part thereof, while any other or prior certificate is outstanding and in force, nor shall any such commodities be sold, encumbered, transferred or removed from such elevator, warehouse or other structure wherein the same was stored at the time such certificate or receipt was issued by the warehouseman or any agent or employe thereof, without the written consent of the holder thereof endorsed thereon.

Consent of holder when necessary.

Damages may be recovered.

SECTION 6. Any one injured by the violation of any of the provisions of this chapter, may recover his actual damages sustained on account thereof, and if wilfully done, in addition thereto exemplary damages in any sum not exceeding double the actual damages.

Penalty for destroying certificate.

SECTION 7. Any person who shall wilfully alter or destroy any register or certificate or receipt provided for in this chapter, or issue any receipt or certificate without entering or preserving in such book the registered memorandum; or who shall knowingly issue any certificate or receipt herein provided for, when the commodity or commodities therein enumerated are not in fact in the building or buildings it is certified

they are in; or shall, with intent to defraud, issue a second or other certificate for any such commodity, for which, or for any part of which, a former valid certificate or receipt is outstanding and in force; or shall while any valid certificate or receipt for any part of the commodities mentioned in this chapter is outstanding and in force, sell, incumber, ship, transfer or remove from the elevator, warehouse or building where the same is stored, any such certified property, or knowingly permit the same to be done, without the written consent of the holder of such certificate or receipt or if any person knowingly receives any such property or helps to remove the same, he shall upon conviction, be punished by fine not exceeding ten thousand dollars, or by imprisonment in the state prison not exceeding five years.

Mingling of grains of equal grade allowed.

SECTION 8. Nothing in this act shall be construed as prohibiting or preventing warehousemen from mingling in common bins, grains or seeds of the same grade, and issuing certificates or receipts therefor, and drawing out and shipping said grain and seeds from said bins, provided that a sufficient quantity of such grain or seeds shall be retained and kept in said bins to represent and satisfy all outstanding receipts or certificates.

SECTION 9. Nothing in this act shall be construed to affect, interfere with or impair any right of issuing and negotiating warehouse receipts or certificates under any existing law, or under any regulations of any chamber of commerce or board of trade within this state.

SECTION 10. This act shall take effect and be in force, from and after its passage and publication.

Approved April 26, 1899.

No. 530, A.] [Published April 28, 1899.

CHAPTER 252.

AN ACT to authorize the city treasurers of cities of the first class to receive moneys for taxes in advance of the time for the payment of the same, and to issue interest bearing certificates therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Treasurers to issue negotiable certificates for taxes received in advance.

SECTION 1. The city treasurers of all cities of the first class in this state, are hereby authorized to receive from any tax-payer or tax-payers of such city such sums of money in advance of the time for payment of taxes for the current year as may be tendered for that purpose, not however exceeding in amount the sum which it is anticipated shall be due or payable by such tax-payer or tax-payers for taxes for such current year, and to issue and to deliver to such tax-payer or tax-payers a negotiable certificate in writing, signed by such treasurer, and countersigned by the city comptroller or auditing officer of such city, stating therein the amount of such advance payment, and that such city will pay to such tax-payer or tax-payers, or his or their order, the sum of money therein stated, on January 15th of the year following the date of such certificate together with interest thereon at such rate per annum as such city shall then be receiving upon its daily balances from the bank or banks in which the money of said city belonging to its general or trust funds may be deposited, not, however, exceeding the rate of three per centum per annum.

SECTION 2. All acts, or parts of acts, including the provision of any city charter which contravene the provisions of this act, are hereby repealed.

SECTION 3. This act shall take effect and be in force, from and after its passage and publication.

Approved April 26, 1899.

No. 449, A.] [Published April 28, 1899.

CHAPTER 253.

AN ACT relative to the vacation of towns by county boards, and to be made section 671a of the Wisconsin statutes of 1898.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Petition for vacation, and election on.

SECTION 1. Section 671a. When thirty or more freeholders, residents of any town, and at least one-third of the legal voters thereof, shall petition the county board for a vacation of such town, such petitioners shall at least twenty days before the next annual town meeting, file the copy of such petition with the clerk of such town, who shall at least ten days before such town meeting, give notice that the question of the vacation of such town will be voted upon at such meeting, by posting the notice thereof in four public places in such town; the voting shall be by ballot and those voting in favor of the vacation shall vote a ballot containing the words "for vacation," and those voting against vacation, a ballot containing the words "against vacation." If a majority of the votes cast shall be in favor of vacation, the town clerk shall certify the fact to the county clerk, and thereupon the county board shall have power to vacate such town accordingly.

SECTION 2. All acts and parts of acts, conflicting with the provisions of this act, are hereby repealed.

SECTION 3. This act shall take effect and be in force, from and after its passage and publication.

Approved April 26, 1899.

No. 318, A.] [Published April 28, 1899.

CHAPTER 254.

AN ACT authorizing the township board of the township of Suamico, Brown county, Wisconsin, to erect and maintain a bridge across Big Suamico river.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The township board of the township of Suamico, is hereby authorized to construct and maintain a highway bridge across the Big Suamico river, to connect the highway between lots one and two of section twenty-three of said township on the north side of said river, and the highway between lots five and six of section twenty-three of said township on the south side of said river. Said bridge to be so constructed as will least interfere with or obstruct the natural flowage of water in said river, and in such manner as will admit of passage up and down said stream with row boats; providing however, it will not be necessary to build or maintain a draw in this bridge to admit the passage of said boats, or for other purposes. Location of bridge.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved April 26, 1899.

No. 223, A.] [Published April 28, 1899.

CHAPTER 255.

AN ACT to repeal chapter 163 of the general laws of Wisconsin for the year 1897, authorizing the appointment of assistant city attorneys in cities of the first and second class.

Ch. 255
101 42

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repealing section.

SECTION 1. Chapter 163 of the general laws of the state of Wisconsin for the year 1897, entitled, "an act to authorize the appointment of assistant city attorneys in cities of the first and second class, as defined by section 1 of chapter 312 of the laws of Wisconsin for 1893, whether such city be incorporated by special act of the legislature or under the general laws of the state," is hereby repealed.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved April 26, 1899.

No. 221, A.] [Published April 28, 1899.

CHAPTER 256.

AN ACT authorizing cities of the first class to use special funds for general purposes, and general funds for special purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Borrowing from various funds permitted. When to be repaid.

SECTION 1. The common council of any city of the first class, as defined in sub-division 1, of section 925 of the revised statutes of Wisconsin for 1898, may from time to time borrow from any ordinary city fund or special fund having cash to its credit then on hand in its treasury, other than the cash raised and set apart for the payment of the bonded debt of such city, and the interest thereon and bond proceeds, such sums of money for the benefit of other ordinary city funds not having cash on hand, in anticipation of the incoming taxes of the year, as they shall deem necessary. All such sums of money so borrowed shall be repaid out of the incoming taxes for the year not later than the first day of February following.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved April 26, 1899.

No. 239, A.] [Published April 28, 1899.

CHAPTER 257.

AN ACT relative to the laying out of highways in towns having a resident population of eight thousand, or over, and amendatory of section 1291 of the Wisconsin statutes of 1898.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Elector's approval not necessary.

SECTION 1. Section 1291 of the Wisconsin statutes of 1898, is hereby amended by adding at the end thereof, the following: "provided that when any such damages shall be awarded, pursuant to an order for the laying out, widening or altering of a highway, lying wholly within a town whose resident population shall be eight thousand persons, or over, according to the last state or United States census, that then and in such case, it shall not be necessary that such order or award be approved, or the highway accepted by said electors, but the same shall be valid without such approval or acceptance."

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved April 26, 1899.

No. 333, S.] [Published April 28, 1899.

CHAPTER 258.

AN ACT to amend certain sections of the statutes of 1898, relating to the public lands, and the land office, and placing the same under the supervision of the secretary of state.

C 258 '99
Repealed
§1 C 432 '01

Ch. 258
Repealed.
1901, c 432
See 1901 c 158

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Duties of commissioners of public lands.

SECTION 1. Section 186 of the statutes of 1898, is hereby amended, by striking out the words "chief clerk of the land office" in the 9th and 10th lines, and inserting in place thereof the words "secretary of state"; and by striking out the words "and the official seal of said office," in the tenth line, and inserting in place thereof the words "and the seal of the land office heretofore adopted by the commissioners and used in the land office;" and by adding at the end of said section the following: "The secretary of state shall have the custody of all such records, plats, field-notes and papers, and supervision of the office of the commissioners. So that said section 186, when so amended, shall read as follows: section 186. Said commissioners shall keep their office at the capitol. They shall conveniently arrange and preserve therein all records, books, reports, surveys, maps, field-notes, plats and other papers pertaining to the public lands heretofore, now or hereafter owned by the state, including all such as have been or shall be received from the United States or any officer thereof. They may perfect such records, books, reports, surveys, maps, field-notes, plats and other papers, when incomplete, and cause fair copies thereof to be made when from injury, loss, use or accident it shall become necessary; and any such copy when certified by the secretary of state under his hand and the seal

of the land office heretofore adopted by the commissioners and used in the land office, to have been made for any of the causes herein specified, and to be a correct copy thereof; shall have the same force and effect in all courts and places as the original; and any copy from said original records, books, reports, surveys, maps, field-notes, plats and other papers, or from any record or paper required by law to be kept in their office, or any copy from said certified copy thereof, when certified by the secretary of state under the great or lesser seal, shall be received in evidence with the same effect as the original. All records, books, and files kept by the commissioners shall at all business hours be open, under proper regulations made by them, to the inspection of any person free of charge. The secretary of state shall have the custody of all such records, plats, field-notes and papers, and supervision of the office of the commissioners."

Secretary of state to have supervision of office.

Clerks to be employed and oath of office of same.

SECTION 2. Section 187 of said statutes is hereby amended by striking out the words "a chief clerk and an assistant chief clerk, who shall during the absence of the chief clerk have all the authority given by law to the chief clerk; also a bookkeeper, three clerks and a clerk and stenographer" in the first, second, third and fourth lines and inserting in place thereof the words "two clerks who shall be known as clerks of the land commissioners, and a stenographer;" so that said section, when so amended, shall read as follows: "section 187. The commissioners shall appoint two clerks who shall be known as clerks of the land commissioners, and a stenographer. Such appointments shall be filed in the office of secretary of state. Every such clerk shall, before entering upon the discharge of his duties, take and subscribe the following oath, to-wit: I do solemnly swear (or affirm as the case may be) that I will support the constitution of the state of Wisconsin; that I will not be engaged, either directly or indirectly, in the purchase for my own benefit of any public lands of the state of Wisconsin, so long as I remain a clerk in the land bureau

thereof; and that I will faithfully discharge to the best of my ability, the duties of clerk in said bureau, so help me God; which oath shall be filed in the office of the secretary of state."

Clerks may take acknowledgments.

SECTION 3. Section 189 of said statutes is hereby amended by striking out the words "their chief clerk" in the third line, and inserting in place thereof the words "the clerks of the land commissioners," so that said section, when so amended, shall read as follows: "section 189. The said commissioners shall collect as fees fifty cents on every certificate and fifty cents on every patent, issued by them, to be paid by the purchaser. The clerks of the land commissioners may take their acknowledgment to all certificates and patents, and no fee shall be charged therefor."

SECTION 4. Section 212 of said statutes is hereby amended by striking out the words "the chief clerk" in the last line, and inserting in place thereof the words "one of the clerks of the land commissioners."

Salaries of clerks.

SECTION 5. Section 170 of said statutes is hereby amended by adding after the words "nine hundred dollars" in the next to the last line on page 259 the words "two clerks of the land commissioners, twelve hundred dollars each, and the stenographer of the land office, nine hundred dollars." Said section is further amended by striking out of said section, on page 262, lines sixteen to twenty-three inclusive, relating to the salaries of clerks and employes in the land office.

Secretary of state to designate a forest warden. Duty of same.

86 C 258 '99
83 C 450 '03

SECTION 6. Section 1636b of said statutes is hereby amended by striking out the words "The chief clerk of the state land office shall be the forest warden and may appoint a clerk in such office as his deputy. It shall be their duty" and by inserting in place thereof the words "the secretary of state shall designate one of the clerks of the land commissioners to be the state forest warden. It shall be his duty" so that said section, when so amended, shall read as follows: "section 1636b. The secretary of state shall designate one of the clerks of the land commissioners to be the state

forest warden. It shall be his duty to see that the provisions of law for the prevention and extinguishment of forest fires are faithfully executed, and for that purpose to formulate all proper and necessary rules and regulations for the government of the several fire wardens and to supervise them in the performance of their duties. Whenever the forest warden or any fire warden shall have good reason to believe that an offense has been committed by any person or persons against any of such provisions it shall be his duty to immediately notify the district attorney of the proper county of the facts upon which such belief is founded, and he shall immediately and thoroughly investigate the facts. If after such investigation, he shall have good reason to believe that an offense has been committed, it shall be his duty forthwith to institute proper proceedings for the arrest and conviction of the person whom he believes guilty of having committed the same."

Inconsistent laws repealed.

SECTION 7. All acts or parts of acts conflicting with the provisions of this act are hereby repealed and all provisions of the statutes of 1898, prescribing duties or in any way relating to the chief clerk of the land office shall apply to the land commissioners' clerks herein provided for, except that the duties of forest warden shall devolve upon the clerk who shall be designated by the secretary of state as such.

Provisions, when to go into effect. Force of land office until then.

SECTION 8. The foregoing provisions shall not go into effect until after January first, 1901, but shall become operative and be put into force and carried out on and after that date. From and after the passage and publication of this act until January first, 1901, the land office force shall consist of the following, and no others; a chief clerk and an assistant chief clerk who shall during the absence of the chief clerk have all the authority given by law to the chief clerk; also a bookkeeper and one other clerk. Such appointments shall be filed in the office of the secretary of state. Every such clerk shall before entering upon the discharge of his duties, take and sub-

scribe the following oath, to-wit: I do solemnly swear, or affirm (as the case may be), that I will support the constitution of the state of Wisconsin; that I will not be engaged, either directly or indirectly, in the purchase for my own benefit of any public lands of the state of Wisconsin so long as I remain a clerk in the land bureau thereof; and that I will faithfully discharge to the best of my ability the duties of clerk in said bureau, so help me God; which oath shall be filed in the office of the secretary of state. Such clerks and bookkeepers to receive the same salary as is now provided by law.

SECTION 9. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SECTION 10. This act shall take effect and be in force from and after its passage and publication.

Approved April 26, 1899.

No. 159, S.] [Published April 28, 1899.

CHAPTER 259.

Ch. 259
1903 c 321

AN ACT making an annual appropriation to the Wisconsin Cheesemakers' Association.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby annually appropriated to the Wisconsin Cheesemakers' Association out of any money in the treasury, not otherwise appropriated, the sum of four hundred dollars.

Appropriating $400 annually.

81 C 259 '99
81 C 321 '03

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 26, 1899.

No. 362, S.] [Published April 28, 1899.

CHAPTER 260.

AN ACT to amend chapter 74 of the laws of 1899, relating to the establishment and organization of the board of regents of normal schools.

Ch. 260 1901, c 166

Ch. 260 05 c 168

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

§1 C 260 '99 C 166 '01

Defining the terms of the regents first appointed.

SECTION 1. Chapter 74 of the laws of 1899 is hereby amended by striking out of section 1 thereof the words "and they are now and shall continue divided in five classes," wherever they occur, and substituting therefor the words "except that the regents first appointed under this act shall be divided into five classes of two each, and the term of office of said classes, so first appointed shall be respectively one, two, three, four and five years and until their successors are appointed and qualified, and their successors in office shall continue so divided into five classes," so that the said section 1 when so amended shall read as follows, to-wit: Section 1. Amend section 393, of the Wisconsin statutes of 1898, by striking out all after the word "the" in the fifth line thereof and substituting the following, to-wit: "the state superintendent, as ex-officio regent, and of ten appointed regents. The term of office of the appointed regents, commencing with the first Monday of February in the year in which appointed, shall be five years and until the appointment and qualification of their respective successors; except that the regents first appointed under this act shall be divided into five classes of two each, and the term of office of said classes so first appointed shall be respectively one, two, three, four and five years and until their successors are appointed and qualified, and their successors in office shall continue so divided into five classes, so that the term of office

of two regents shall expire each year; and not more than one such member of the board shall reside in any one congressional district. The governor shall fill all vacancies by appointment, but in case of a vacancy before the expiration of a term, the appointment shall be for the residue of the term only," so that the section when so amended shall read as follows: section 393. For the government of the normal schools established and which may hereafter be established, and for the performance of the duties prescribed to them, there is constituted a board of eleven regents, called "the board of regents of normal schools," composed of the state superintendent, as ex-officio regent, and of ten appointed regents. The term of office of the appointed regents commencing with the first Monday of February in the year in which appointed, shall be five years and until the appointment and qualification of their respective successors; except that the regents first appointed under this act shall be divided into five classes of two each, and the term of office of said classes so first appointed shall be respectively one, two, three, four and five years and until their successors are appointed and qualified, and their successors in office shall continue so divided into five classes of two each, so that the term of office of two regents shall expire each year; and not more than one such member of the board shall reside in any one congressional district; provided, however, that where two normal schools are located in one congressional district there may be two regents in such district. The governor shall fill all vacancies by appointment, and in case of a vacancy before the expiration of a term, the appointment shall be for the residue of the term only.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 26, 1899.

No. 191, S.] [Published April 29, 1899.

CHAPTER 261.

AN ACT to authorize and empower Hieronymus Zech, his associates, their heirs, and assigns to erect and maintain a dam across the Peshtigo river in Marinette county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Location and purposes of dam.

SECTION 1. Hieronymus Zech, his associates, heirs and assigns, are hereby authorized and empowered to construct, maintain and keep a dam or dams across the Peshtigo river in Marinette county, Wisconsin, on section one in township number thirty-two (32), north of range number eighteen (18), east, and section number thirty-two (32) in township number thirty-three (33) north, of range number nineteen (19) east, for manufacturing and other purposes, and for improving the navigation of said river and facilitating the driving of logs, timber and lumber, down the same; provided, that said dam or dams, shall be subject to all the provisions of the laws of Wisconsin, relating to the flowage of lands by the erection of dams, and shall not interfere with the rights of any person, or corporation heretofore acquired. The aforesaid persons, their successors, heirs or assigns, shall build a suitable slide or chute in said dam or dams of sufficient width for running logs, timber or lumber over the same at driving stages of water, and shall keep the same in repair.

Rights and duties of owner.

SECTION 2. The control of said dam or dams, the slides, gates and chutes of the same shall belong to the said Hieronymus Zech and his associates, their heirs and assigns, and be under their exclusive control, subject always to the driving purpose of section 1 of this act. The said slides or chutes in said dam or dams to be kept open and

available at all times, when the river is at a driving stage, or there are logs, timber or lumber to run over the said dam or dams. And said persons aforesaid shall have a right to and be entitled to erect and maintain above said dam, such piers, booms, and other improvements and appliances as may be necessary or convenient for storing, sorting, holding and retaining logs, timber, lumber and ties. Said booms and piers shall be erected, constructed, maintained and operated so as not to obstruct or delay the navigation and use of said river for log driving purposes.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 26, 1899.

No. 260, S.] [Published April 29, 1899.

1899, c 262
110 295

CHAPTER 262.

AN ACT to amend section 925–142a chapter 40a of the Wisconsin statutes of 1898 relating to city taxes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Power of council to levy taxes and amount of same.

SECTION 1. Strike out the words "three per cent." when they occur in said section, and insert the words "three and one-half per cent." so that when said section is amended it shall read as follows: section 925–142a. The common council shall have power to levy annually such sum or sums of money as may be sufficient for the several purposes for which taxes are authorized to be levied and to apportion the same into such funds for city or ward purposes as they may provide by ordinance or resolution; provided, a tax levied

for any one year for municipal purposes, together with the tax required to be levied for state, county, county school and school district purposes, and for delinquent taxes for the preceding year, shall not exceed three and one-half per cent. of the assessed value of the real and personal property in the city in that year.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 26, 1899.

No. 358, S.] [Published April 29, 1899.

CHAPTER 263.

AN ACT relating to the maintenance and care of the chronic insane in counties having a population of more than two hundred thousand and an asylum therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Number of trustees, how appointed and powers and compensation of.

SECTION 1. The trustees of any asylum for the treatment and maintenance of the chronic insane of any county having a population of more than two hundred thousand, shall consist of five members, who shall be residents and electors of said county, and not members of the county board thereof. Two such members shall be appointed by the governor for terms of three and four years, respectively, from the first Tuesday of November in the year in which they are appointed, and three of them shall be elected by the county board for terms of one, two, and five years, respectively, from the time of their election. The governor shall have power to fill by appointment all vacancies in the unexpired term of any trustee

appointed by him, and like power is conferred upon the county board at any meeting thereof to fill any vacancy in the other trustees. The power to appoint and elect trustees shall be exercised, except to fill vacancies, in alternate years; and the terms of trustees appointed or elected for a full term shall be five years and until their successors shall qualify. Such board of trustees may exercise all the powers conferred upon boards of trustees of county asylums and be governed by all the laws relating to the care and maintenance of such asylums, and they shall receive such compensation for their services as shall be determined by the county board not to exceed one hundred dollars per annum to be paid by the county. The treasurer of the county shall be the treasurer of said asylum upon such conditions as the county board may prescribe, and shall receive as compensation for his services as asylum treasurer a sum to be fixed by the county board, not to exceed five hundred dollars per year.

Treasurer of county to act as treasurer of asylum.

SECTION 2. The trustees heretofore appointed by the governor and by the county board of such county, and now serving, shall hold their respective offices for and during the term for which they were appointed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 26, 1899.

No. 271, S.] [Published April 29, 1899.

CHAPTER 264.

Ch. 264
1903 c 165

AN ACT to create a pension fund for members of the fire department in cities of the first class.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

§1 C 264 '99
§1 C 167 '01

Pension fund, how created. Purposes of.

SECTION 1. In all cities of the first class within this state having paid fire departments two-thirds of all sums collected or received by the treasurers of such cities, under any requirements of the charters of such cities relating to and providing for the taxation of fire insurance companies or agents, shall be set apart by the treasurers of such cities to whom the same shall be paid as a fund for the pensioning of disabled and superannuated members of fire departments and of the widows and orphans of deceased members thereof, and the treasurers of such cities shall be ex-officio treasurers of such fund.

Ch. 264, § 1
1901, c 167

Payments to fund by members of department.

SECTION 2. There shall also be paid into such fund by each and every member of such department, at the time this act takes effect and by all members subsequently acquired, during their term of service, the following sums monthly, to-wit: pipemen, truckmen, linemen and drivers, two dollars; lieutenants, assistant engineers, and firemen, two dollars and thirty cents; captains, engineers, and pilots, two dollars and sixty cents; superintendents of machinery and apparatus, two dollars and eighty-five cents; assistant chief engineers, and assistant superintendents of fire alarm telegraph, three dollars and forty cents; chief engineer four dollars and thirty cents; also all fines imposed on members for violations of the rules of the department, and all moneys deducted for time lost by members on account of sickness.

Trustees of fund.

SECTION 3. The mayor, treasurer, clerk, attorney and comptroller of each such city and the

chief engineer of the fire department thereof shall constitute and be a board by the name of the "Board of Trustees of the Firemen's Pension Fund." The said board shall annually select from among their number a president and a secretary and in case of a vacancy occurring during the term the same shall be filled by the board.

Powers of trustees.

§4 C264 '99
§2 C 167 '01

Ch. 264, § 4
See 1901 c 167
§ 2

SECTION 4. Said board shall have exclusive control and management of the fund mentioned in this act and all money donated, paid or assessed for the relief or pensioning of disabled, superannuated or retired members of the fire department, their widows and children, the same to be placed by the treasurer of such city to the credit of such fund subject to the orders of such board. The said board shall make all the needful rules and regulations for its government in the discharge of its duties and for the control of such fund; and shall hear and decide all applications for relief or pensions under this act and the decision of such board on such applications shall be final and conclusive and not subject to review or reversal except by the board. The board shall cause to be kept by its secretary a record of all its meetings and proceedings.

Rewards, etc., to be paid to fund. Gifts, income of, not exceeding $100,000, may be received.

SECTION 5. All rewards in moneys, fees, gifts or emoluments that may be paid or given for or on account of any service of said fire department, or any member thereof, except when allowed to be retained by said member by resolution of said board, or given to endow a medal or other permanent competetive reward shall be paid into said fund. The said board may take by grant, gift, devise or bequest any money, real estate, personal property, right of property or other valuable thing the annual income of which shall not exceed one hundred thousand dollars in the whole. And said money, real estate, personal property, right of property or other valuable thing so obtained shall be paid into said pension fund and treated as a part thereof for the use of said fund; provided, that when the sum of two hundred thousand dollars has been accumulated in said fund it shall be

retained as a permanent fund, and thereafter the annual income therefrom may be made available for the use and purposes of such pension fund.

Powers of trustees to invest funds in bonds.

SECTION 6. The said board shall have power to draw such pension fund from the treasury of such city and may invest such fund or any part thereof in the name of said board in interest bearing bonds of the United States or of the state of Wisconsin or of any county, township or municipal corporation of said state; and all securities taken upon any such investment shall be deposited with the treasurer of such city as treasurer of said board and shall be subject to the order of said board.

When interest on fund applicable to payment of pensions.

SECTION 7. The interest received from any such investment of funds, after said fund shall have reached the sum of two hundred thousand dollars, shall be applicable to the payment of pensions under this act. And when such interest shall become applicable it shall be competent for the council of such city to diminish such annual rate of two-thirds of the tax on fire insurance agents so that said income from said tax shall meet the requirements of the pension list as provided by this act.

When pension is payable. Grade and amount of.

SECTION 8. If any member of the fire department, being a beneficiary of such fund, shall, while engaged in the performance of his duty as such fireman, be injured and found upon an examination by a medical officer ordered by said board to be physically or mentally permanently disabled by reason of service in such department so as to render necessary his retirement from service in such department such board shall retire such disabled member from service; provided, no such retirement on account of disability shall occur unless the member has contracted such disability while in the active service of such department. Upon said retirement the said board shall order payment to such retired member monthly from such pension fund a sum properly payable according to his grade, to-wit: chief engineer seventy-five dollars; assistant chief engineers and assistant superintendent of fire alarm telegraph

sixty dollars; superintendent of machinery and apparatus fifty dollars; captains, engineers and pilots forty-five dollars; lieutenants, assistant engineers and firemen forty dollars; and pipemen, truckmen, linemen and drivers thirty-five dollars.

Pension to widows and children of firemen. Amount of, and how paid.

'89 C 264 '99
'93 C 167 '01

Ch. 264, § 9
1901 c 167 § 3

SECTION 9. If any member of such fire department shall, while in the performance of his duty, be killed, or die as the result of an injury received in the line of his duty or any disease contracted by reason of his occupation, or if any member of such department, after fifteen years' service in such department, shall die from any cause whatever while in said service, or if any member of such department shall die from any cause whatever after having been retired upon a pension under the provisions of this act, and shall leave a widow or minor child or children under sixteen years of age surviving, the said board shall direct the payment from said pension fund of the following sums monthly, to-wit: To the widow of a member who is killed or who dies as the result of injury received in the line of his duty or any disease contracted by reason of his occupation while unmarried thirty dollars; to the widow of a member who dies from any cause after fifteen years of service while unmarried thirty dollars; to the widow of a member who dies from any cause after twenty-two years of service or after having been retired on a pension while unmarried twenty-five dollars; to the guardian of such minor child or children six dollars for each child until it reaches the age of sixteen years; provided, however, that there shall not be paid to the family of a deceased member a total pension exceeding one-half the amount of the monthly salary of such deceased member at the time of his death, or, if a retired member, a sum not exceeding one-half the amount of the monthly salary of such retired member at the date of his retirement; provided, however, that if a pensioner shall marry after his retirement from service and shall thereafter die leaving a widow, such widow shall not be entitled to any relief or pension from such

When fund is not sufficient to pay demands.

fund. If at any time there shall not be sufficient money in such fund to pay each person entitled to the benefits thereof the full amount per month as hereinbefore provided then and in that event an equal percentage of such monthly payments shall be made to each pensioner or beneficiary thereof until the said fund shall be replenished to warrant the payment in full to each of such beneficiaries.

§10 C 264 '99
§4 C 167 '01

Ch. 264, § 10
1901 c 167 § 4

When firemen may retire.

SECTION 10. Any member of the fire department of any such city after becoming fifty years of age and having served twenty-two years or more in such department, of which the last two shall be continuous, may make application to said board to be retired from such department and if after a medical examination ordered by said board such member shall be found incapacitated for performing active service in such department he may be retired, or he may be retired by the said board of its own motion; in either which case the said board shall order and direct that such member shall be paid a monthly pension according to his grade as set forth in the foregoing table. The said board upon the recommendation of the chief engineer shall have the power to assign any member retired or drawing a pension to the performance of light duties in such department when in their judgment it shall be advisable. No person shall be entitled to receive any benefit from any such fund other than that prescribed by this act and in no event shall any allowance be paid to any widow after her remarriage or to any minor child after it attains the age of sixteen years.

To whom act applies.

SECTION 11. This act shall apply to all members of the fire departments, except the secretaries and the operators in the fire alarm service, who are now or who shall hereafter become members of any such fire departments. And all such persons shall be eligible to the benefits secured by this act. And all retired firemen, or the widows, parents, children or executors of any de-

ceased firemen now drawing pensions under chapter 379 of the laws of 1895 shall continue to receive monthly the same sums as they are now receiving and such sums shall hereafter be paid to them by the treasurers of such cities as provided by said chapter 379 of the laws of 1895.

Duties of treasurer of trustees.

SECTION 12. The treasurer of the board shall be the custodian of said pension fund and shall secure and safely keep the same subject to the control and direction of said board and shall keep his books and accounts concerning said fund in such a manner as the board shall direct and the said books and accounts shall always be subject to the inspection of said board or any member thereof. The treasurer shall within ten days after his election or appointment execute a bond to the city with good and sufficient securities to be approved by the board and in a sum to be fixed by the board conditioned for the faithful performance of the duties of his office that he will safely keep and well and truly account for all moneys and property which may come into his hands as such treasurer; and that at the expiration of his term of office he will surrender and deliver over to his successors all unexpended moneys and all property that shall have come to his hands as treasurer of such fund. Such bond shall be filed the office of the clerk of such city and in case of a breach of the same or of the conditions thereof suit may be brought on the same in the name of said city for the use of said board, or if [of] any person or persons interested in such breach.

Drawing of warrants on city treasurer for moneys belonging to fund.

SECTION 13. It shall be the duty of the mayor, or the president of the board of trustees, or clerk, or comptroller, or other officer or officers of said city, who are or may be authorized by law to draw warrants upon the treasurer of such city upon request made in writing by said board, to draw warrants upon the treasurer of such city payable to the treasurer of such board for all funds in the hands of the treasurer of such city belonging to said pension fund.

SECTION 14. All moneys ordered to be paid

Pension money, how paid.

from such pension fund to any person or persons shall be paid by the treasurer of said board only upon warrants signed by the president of the board and countersigned by the secretary thereof; and no warrant shall be drawn except by order of the board duly entered in the record of the proceedings of said board. In case the pension fund or any part thereof shall by order of said board or otherwise, be deposited in any bank, or loaned, all interest or money which may be paid or agreed to be paid on account on [of] any such loan or deposit, shall belong to and constitute a part of such fund; provided, that nothing herein contained shall be construed as authorizing said treasurer to loan or deposit said fund or any part thereof, unless so authorized by the board.

Trustees to report to council.

SECTION 15. The board of trustees shall make report to the council of said city of the condition of said pension fund on the first Monday of May in each year unless the same be a legal holiday, when said report should be made as soon thereafter as possible.

Pensions, free from all process of law.

SECTION 16. No portion of said pension fund shall either before or after its order of distribution by such board to such disabled members of said fire department or to the widow or guardian of such minor child or children of a deceased or retired member of such department be held, seized, taken subject to, or detained or levied on by virtue of any attachment, execution, injunction, writ, interlocutory or other order or decree, or any process or proceeding whatever, issued out of, or by any court of this state for the payment and satisfaction in whole or in part of any debt, damages, claim, demand, or judgment against such member, or his said widow or the guardian of said minor child or children of any deceased member; but the said fund shall be sacredly held, kept, secured and distributed for the purpose of pensioning the persons named in this act, and for no other purpose whatever.

SECTION 17. The provisions of this act shall

be amendatory of the charter of all cities of the first class in this state and any provision in any such charter in conflict herewith is hereby superseded and the provisions of any act or law now in force or effect so far as they conflict with the provisions of this act are hereby repealed, except as provided in section 11 of this act, provided, however, that this act shall in no way affect or apply to the provisions of any law in reference to any other department in any of said cities.

Conflicting laws or charters repealed.

SECTION 18. This act shall take effect and be in force from and after its passage and publication.

Approved April 26, 1899.

No. 244, S.] [Published April 29, 1899.

CHAPTER 265.

Ch. 265
1903 c 397

Ch. 265
121 44 45
49 52
57 58

AN ACT to create a pension fund for members of police departments in cities of the first class.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

C 265 '99
C 397 '03

SECTION 1. In all cities of the first class within this state, having a paid police department, one per centum of all revenues collected or received by such cities from licenses issued by such cities, except dog licenses, shall be set apart by the treasurers of such cities to whom the same shall be paid as a fund for the pensioning of disabled and superannuated members of police departments and of the widows and orphans of deceased members thereof, and the treasurers of such cities shall be ex-officio treasurers of such fund.

Pension fund, how created. Purposes of

§1 C 265 '99
§1 C 176 '01

Ch. 265, § 1
1901, c 176

Payments to fund by members of department.

SECTION 2. There shall also be paid into such fund by each and every member of such department at the time this act takes effect and by all members subsequently acquired, during their term of service, the following sums, monthly, to-wit: patrolmen two dollars, roundsmen and sergeants two dollars and thirty cents, lieutenants and detectives two dollars and sixty cents, captains two dollars and eighty-five cents, inspectors three dollars and forty cents, chief four dollars and thirty cents; also all fines imposed on members for violations of the rules of the department, also all moneys deducted for the time lost by members on account of sickness, and one-half of all moneys received by the city from dog licenses. There shall also be paid and applied to said fund all rewards received or earned by members of such department and all moneys received from sales of unclaimed property.

Trustees of fund.

SECTION 3. The mayor, treasurer, clerk, attorney and comptroller of each such city and the chief of the police department thereof shall constitute and be a board by the name of the "board of trustees of the policemen's pension fund." The said board shall annually select from among their number a president and a secretary, and in case of a vacancy occurring during the term the same shall be filled by the board.

§4 C 265 '99
§2 C 176 '01

Powers of trustees.

Ch. 265, § 4
1901 c 176 § 2

1899 c 265 § 4
119 439

SECTION 4. Said board shall have exclusive control and management of the fund mentioned in this act and all moneys donated, paid or assessed for the relief or pensioning of disabled, superannuated or retired members of the police department, their widows and children, the same to be placed by the treasurer of such city to the credit of such fund subject to the orders of such board. The said board shall make all the needful rules and regulations for its government in the discharge of its duties and for the control of such fund; and shall hear and decide all applications for relief or pensions under this act; and the decision of such board on such applications shall be final and conclusive and not subject to

review or reversal, except by the board. The board shall cause to be kept by its secretary a record of all its meetings and proceedings.

Rewards, etc., to be paid to fund. Gifts, income of not exceeding $100,000, may be received.

SECTION 5. All rewards in moneys, fees, gifts or emoluments that may be paid or given for or on account of any service of said police department, or any member thereof, except when allowed to be retained by said member by resolution of said board or given to endow a medal or other permanent competitive reward, shall be paid into said fund. The said board may take by grant, gift, devise or bequest any money, real estate, personal property, right of property or other valuable thing, the annual income of which shall not exceed one hundred thousand dollars in the whole. And said money, real estate, personal property, right of property or other valuable thing so obtained shall be paid into said pension fund and treated as a part thereof for the use of said fund; provided, that the sum of two hundred thousand dollars when accumulated in said fund shall be retained as a permanent fund, and thereupon and thereafter the annual income may be made available for the use and purposes of such pension fund.

Powers of trustees to invest fund in bonds.

SECTION 6. The said board shall have power to draw such pension fund from the treasury of such city and may invest such fund or any part thereof in the name of said board in interest bearing bonds of the United States or of the state of Wisconsin or of any county, township or municipal corporation of said state; and all securities taken upon any such investment shall be deposited with the treasurer of such city as treasurer of said board and shall be subject to the order of said board.

When interest on fund is applicable to payment of pensions.

SECTION 7. The interest received from any such investment of funds after said fund shall have reached the sum of two hundred thousand dollars, shall be applicable to the payment of pensions under this act. And when such interest shall become applicable it shall be competent for the council of such city to diminish such annual

rate of one per centum from licenses so that said income from licenses shall meet the requirements of the pension list as provided by this act.

When pension is payable. Grade and amount of.

1899 c 265 § 8
119 436 439

SECTION 8. If any member of the police department shall while engaged in the performance of his duty as such policeman be injured and found upon an examination by a medical officer ordered by said board to be physically or mentally permanently disabled by reason of service in such department so as to render necessary his retirement from service in such department, such board shall retire such disabled member from service; provided, no such retirement on account of disability shall occur unless the member has contracted such disability while in the active service of such department. Upon said retirement the board shall order payment to such retired member, monthly, from such pension fund a sum properly payable according to his grade, to-wit: chief of police seventy-five dollars, inspectors sixty dollars, captains fifty dollars, lieutenants and detectives forty-five dollars, sergeants and roundsmen forty dollars, patrolmen thirty-five dollars.

Pension to widows and children of policemen. Amount of and how paid.

SECTION 9. If any member of such police department shall, while in the performance of his duty, be killed or die as the result of an injury received in the line of his duty or any disease contracted by reason of his occupation, or if any member of such department, after fifteen years' service in such department, shall die from any cause whatever while in said service, or if any member of such department shall die from any cause whatever after having been retired upon a pension under the provisions of this act, and shall leave a widow or minor child or children under sixteen years of age surviving, the said board shall direct the payment from said pension fund of the following sums, monthly, to-wit: To the widow of a member who is killed or who dies as the result of injury received in the line of his duty or any disease contracted by reason of his occupation thirty dollars; to the widow of a mem-

ber who dies from any cause after fifteen years of service thirty dollars; to the widow of a member who dies from any cause after twenty-two years of service or after having been retired upon a pension twenty-five dollars; to the guardian of such minor child or children six dollars for each child until it reaches the age of sixteen years; provided, however, that there shall not be paid to the family of a deceased member a total pension exceeding one-half the amount of the monthly salary of such deceased member at the time of his death, or if a retired member a sum exceeding one half the amount of the monthly salary of such retired member at the date of his retirement; provided, further, that if a pensioner shall marry after his retirement from service and shall thereafter die leaving a widow, such widow shall not be entitled to any relief or pension from such fund. If at any time there shall not be sufficient money in such pension fund to pay each person entitled to the benefits thereof the full amount per month as hereinbefore provided then and in that event an equal percentage of such monthly payments shall be made to each pensioner or beneficiary thereof until the said fund shall be replenished to warrant the payment in full to each of such beneficiaries.

When policemen may retire.

§10 C 265 '99
§3 C 176 '01

Ch. 265, § 10
1901 c 176 § 3

1899 c 265 § 10
119 440

SECTION 10. Any member of the police department of any such city after becoming fifty years of age and having served twenty-two years or more in such department, of which the last two years shall be continuous, may make application to said board to be retired from such department, and, if after a medical examination ordered by said board, such member shall be found incapacitated from performing active service in such department, he may be retired, or he may be retired by the said board of its own motion; in either which case the said board shall order and direct that such member shall be paid a monthly pension according to his grade as set forth in the foregoing table. The said board, upon the recommendation of the chief of police, shall have the

power to assign any member retired or drawing pensions to the performance of light duties in such department when in their judgment it shall be advisable. No person shall be entitled to receive any benefit from any such pension fund other than that prescribed by this act and in no event shall any allowance be paid to any widow after her remarriage or to any minor child after it attains the age of sixteen years.

To whom act applies.

SECTION 11. This act shall apply to all persons having police powers who are now or who shall hereafter become members of any such police department; and all such persons shall be eligible to the benefits secured by this act. And any person now drawing pension or any relief from any fund under the provisions of any law or ordinance now in force shall from and after the passage of this act receive only the benefits or pension herein mentioned.

Duties of treasurer of trustees.

SECTION 12. The treasurer of the board shall be the custodian of said pension fund and shall secure and safely keep the same subject to the control and direction of said board, and shall keep his books and accounts concerning said fund in such manner as the board shall direct, and the said books and accounts shall always be subject to the inspection of said board or any member thereof. The treasurer shall, within ten days after his election or appointment, execute a bond to the city with good and sufficient sureties, to be approved by the board, and in a sum to be fixed by the board, conditioned for the faithful performance of the duties of his office; that he will safely keep and well and truly account for all moneys and property which may come into his hands as such treasurer, and that at the expiration of his term of office he will surrender and deliver over to his successor all unexpended moneys and all property that shall have come to his hands as treasurer of such fund. Such bond shall be filed in the office of the clerk of such city, and in case of a breach of the same or of the conditions thereof, suit may be brought on the same in the name of

such city for the use of said board or of any person or persons interested in such breach.

Drawing of warrants on city treasurer for money belonging to fund.

SECTION 13. It shall be the duty of the mayor, or the president of the board of trustees, or clerk, or comptroller, or other officer or officers of such city, who are or may be authorized by law to draw warrants upon the treasurer of such city upon request, made in writing by said board, to draw warrants upon the treasurer of such city payable to the treasurer of such board for all funds in the hands of the treasurer of such city belonging to said pension fund.

Pension money, how paid.

SECTION 14. All moneys ordered to be paid from such pension fund to any person or persons shall be paid by the treasurer of said board only upon warrants signed by the president of the board and countersigned by the secretary thereof; and no warrant shall be drawn except by order of the board duly entered in the record of the proceedings of said board. In case the pension fund or any part thereof shall, by order of said board or otherwise, be deposited in any bank, or loaned, all interest or money which may be paid or agreed to be paid on account of any such loan or deposit shall belong to and constitute a part of such fund; provided, that nothing herein contained shall be construed as authorizing said treasurer to loan or deposit said fund or any part thereof, unless so authorized by the board.

Trustees to report to council.

SECTION 15. The board of trustees shall make report to the council of said city of the condition of said pension fund at the first regular meeting of the council in the month of May in each year.

Pensions free from all process of law.

SECTION 16. No portion of said pension fund shall either before or after its order of distribution by such board to such disabled members of said police department or to the widow or guardian of such minor child or children of a deceased member of such department, be held, seized, taken subject to, or detained or levied on by virtue of any attachment, execution, injunction, writ, interlocutory or other order or decree, or

any process or proceeding whatever, issued out of, or by any court of this state for the payment and satisfaction, in whole or in part, of any debt, damages, claim, demand or judgment against such member or his said widow or the guardian of said minor child or children of any deceased member; but the said fund shall be sacredly kept, held, secured and distributed for the purpose of pensioning the persons named in this act, and for no other purpose whatever.

Conflicting laws or charter repealed.

SECTION 17. The provisions of this act shall be amendatory of the charter of all cities of the first class in this state containing a population exceeding one hundred and fifty thousand inhabitants, and any provision in any such charter in conflict herewith is hereby superseded, and the provisions of any act or law now in force or effect so far as they conflict with the provisions of this act are hereby repealed; provided, however, that this act shall in no way affect or apply to the provisions of any act or law in reference to any other department in any of said cities.

SECTION 18. This act shall take effect and be in force from and after its passage and publication.

Approved April 26, 1899.

No. 178, S.] [Published April 29, 1899.

CHAPTER 266.

AN ACT for the preservation of fish in Dane county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Ch. 266
See 1899 c 350
See 1899 c 311
See 1901 c 230

Closed season. Fish, how not to be taken.

C 266 '99
See
C 230 '01

SECTION 1. No person, between the first day of March and the tenth day of May of each year, shall take, catch or kill, or attempt to do so any fish of any kind from the lakes in Dane county, known as Wingra, Waubesa, Kegonsa, Monona and Mendota, or from any streams or waters in said county connected therewith, nor shall have in his possession any such fish when so taken, caught or killed, and at no time during the year, shall any fish be taken or attempted to be taken from any of said lakes and waters by the use of any spear, gun, dynamite or other explosive, or net; except that white fish may be taken with a dip net having a hoop not exceeding thirty inches in diameter, and then only between the fifteenth day of November and the fifteenth day of December, and except also that suckers, carp, red-horse and bull-heads may be taken with a spear between the first and twenty-fifth days of May in each year, in any running stream in Dane county outside of said lakes.

Angling or trolling only lawful method

SECTION 2. Angling or trolling with the common hook and line shall be the only lawful method or manner of taking or catching any kind of fish during the open season from any of the lakes or waters aforesaid, except that minnows other than young bass, pike and pickerel, may be taken at any time and in any manner.

Five lines permitted. Buildings on ice prohibited.

SECTION 3. It shall be unlawful and is prohibited for any person to fish in, or on, any of said lakes, or said waters, with more than five five lines to each person, nor with more than one

hook attached to each line. It shall further be unlawful and is prohibited to construct upon the ice of any said lakes, or said waters, any building or enclosure of any nature whatsoever, which shall conceal the person of the occupant while engaged in fishing through the ice, or to occupy any building or enclosure while engaged in fishing through the ice.

Penalty for violations.

SECTION 4. Any person who shall violate any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon a conviction shall be adjudged to pay a fine for the first offense of not less than twenty-five nor more than one hundred dollars; and for any subsequent offense a like fine, and to be imprisoned in the county jail not less than ten nor more than thirty days. The possession in said county of any fish common to any of such lakes or waters, shall, during the period of total prohibition stated in the first section of this act, be deemed prima facie evidence that the same was taken, caught or killed in said waters in violation of this act.

Who may make arrests. Rewards may be offered.

SECTION 5. The sheriff of said county and his deputies, and the state fish and game warden and his deputies, and each and every constable in said county, and the several police officers of the cities and villages in said county, are charged with the execution of this act and may arrest, with or without warrant, in any part of the county, any person violating the same, and bring him before the proper court for trial. The common council of the city of Madison, the board of supervisors of any town in said county may offer and pay suitable rewards for the apprehension and conviction of any person violating the provisions of this act.

Disposition of fines.

SECTION 6. One-third of the fines imposed and collected under this act shall be paid to the person informing of the offense and prosecuting the offender to conviction; one-third shall be paid by the magistrate before whom the matter shall have been tried and the fines imposed, to the county treasurer, and shall be by him designated

and set apart as a fund for the protection of fish and game, to reimburse the county for the moneys which it shall expend for the enforcement of the fish and game laws, and the remainder shall go to the school fund, as provided by law.

SECTION 7. All acts and parts of acts, relating specially to the preservation of fish in said lakes and streams and conflicting with the provisions of this act, are hereby repealed.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved April 26, 1899.

No. 28, S.] [Published April 27, 1899.

CHAPTER 267.

AN ACT to amend the Wisconsin statutes of 1898, relating to the protection of aquatic fowl.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Ch. 267
See 05 c 113

Spring shooting prohibited.

81 C 267 '99
82 C 449 '03

Ch. 267 § 1
1903 c 449 § 2

SECTION 1. Section 4563 of the Wisconsin statutes of 1898, is hereby amended to read as follows: Any person who shall take, catch or kill any wild duck, brant, or any aquatic fowl, including snipe, excepting wild geese, between the first day of January and the succeeding first day of September, or take or kill any swan at any time shall be punished by a fine of not less than twenty dollars nor more than fifty dollars, or by imprisonment in the county jail not less than ten nor more than sixty days, or by both such fine and imprisonment: provided that nothing in this act shall be so construed to permit the taking, catch-

ing, or killing of wild geese between the first day of May and the succeeding first day of September.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 26, 1899.

No. 423, A.] [Published April 29, 1899.

CHAPTER 268.

AN ACT to provide for the establishment and maintenance of county training schools for teachers in the common schools, and making an appropriation therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Training schools.

SECTION 1. The county board of any county within which a state normal school is not located, is hereby authorized to appropriate money for the organization, equipment and maintenance of a county training school for teachers of the common schools.

Board for, created. Members of, how appointed. Duties of.

SECTION 2. A board to be known as the county training school board, is hereby created, who shall have charge and control of all matters pertaining to the organization, equipment and maintenance of such school, except as otherwise provided by law. Said board shall consist of three members, one of whom shall be the county superintendent of schools of the county or district, in which the school is located. The other members of the board shall be elected by the county board, for the term of three years from the date of their election. Vacancies existing in the board from whatever cause, except in the case of

the county superintendent, shall be filled by appointment made by the chairman of the county board, if the county board is not in session when such vacancy occurs. If the county board is in session, vacancies shall be filled by election by said board for the unexpired term. Appointments made by the chairman of the county board, as hereinbefore specified, shall be for the time to elapse until the next regular meeting of the county board. Each person appointed or created a member of the county training school board, shall within ten days after the notice of such appointment, take and subscribe an oath, to support the constitution of the United States and the constitution of Wisconsin, and honestly, faithfully and impartially to discharge his duties as a member of said board, to the best of his ability, which oath shall be filed in the office of the county clerk. He shall also, within the same time, file a bond in such sum as may be fixed by the county board, which bond shall be filed in the office of the county clerk. Within fifteen days after the appointment of said board, the members thereof shall meet and organize by electing one of their number as president and one as treasurer; the county superintendent of schools shall be ex-officio secretary of the said board. The said board shall prescribe the duties of the several officers, except as fixed by law.

Money, how expended.

SECTION 3. All moneys appropriated and expended under the provisions of this act, shall be expended by the county training school board, and shall be paid by the county treasurer on orders issued by said board.

Duties of state superintendent.

SECTION 4. The state superintendent shall give such information and assistance as may seem necessary in organizing and maintaining such training schools. He shall prescribe the courses of study to be pursued, and shall determine the qualifications of all teachers employed in such schools. He shall have the general supervision of all schools established under this act; shall from time to time inspect the same,

make such recommendations relating to their management as he may deem necessary, and make such report thereon as shall give full information concerning their number, character and efficiency.

§5 C 268 '99
§1 C 373 '01

State aid to schools, how apportioned and paid.

§5 C 268 '99
§1 C 373 '01

Ch. 268, § 5
1901, c 373

Ch. 268 § 5
1903 c 338

SECTION 5. Any school established under the provisions of this act, whose courses of study and the qualifications of whose teachers have been approved by the state superintendent, may upon application, be placed upon an approved list of county training schools for teachers. A school once entered upon such list may remain listed and be entitled to state aid so long as the scope and character of its work are maintained in such manner as to meet the approval of the state superintendent; provided that he shall not place upon said list more than two schools. On the first day of July in each year, the secretary of each county training school board maintaining a school on the approved list, shall report to the state superintendent, setting forth the facts relating to the cost of maintaining the school, the character of the work done, the number and names of teachers employed and such other matters as may be required. Upon the receipt of such report, if it shall appear that the school has been maintained in a satisfactory manner for a period of not less than ten months during the year closing on the thirtieth day of the preceding June, the said superintendent shall make a certificate to that effect and file it with the secretary of state. Upon receiving such certificate, the secretary of state shall draw his warrant, payable to the treasurer of the county maintaining such school, for a sum equal to one-half the amount actually expended for instruction in such school during the year; provided, that the total amount so apportioned shall not exceed twenty-five hundred dollars in any year and if more be demanded by such schools, they shall be paid proportionally. The secretary of state shall annually include and apportion in the state tax such sum as shall have been so paid.

SECTION 6. This act shall take effect and be in force, from and after its passage and publication.

Approved April 26, 1899.

No. 7, S.] [Published April 29, 1899.

CHAPTER 269.

AN ACT to provide for the adjustment of claims of the state of Wisconsin against the United States, for swamp-land indemnity, and for other purposes, and making an appropriation therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Whereas, the state of Wisconsin has unsettled claims against the United States and especially under the swamp-land grant, and after the lapse of nearly fifty years since the passage of said grant, it is full time that all unsettled claims, particularly matters growing out of said grant be finally and definitely settled, and, Preamble.

Whereas, a bill (Senate 5171), providing for the adjustment of the swamp land grant to the state of Wisconsin, and for other purposes, passed the senate of the United States on the thirteenth day of January, A. D. 1899, is now pending in the House of Representatives, and, Preamble.

Whereas, in and by the terms of said bill the secretary of the interior is directed, at the earliest possible time, to complete the adjustment of said grant to said state of Wisconsin upon the basis of the selection made, recorded and certified in the report and list of August thirteenth, A. D. 1881, (see volumes six and seven of Wiscon- Preamble.

sin swamp-land selections in the general land office), by a commission, duly appointed and agreed upon by the secretary of the interior and the commissioner of the general land office, on behalf of the United States, and the governor of the state of Wisconsin, on behalf of the State of Wisconsin, and,

Preamble.

Whereas, said bill provides, among other things, in substance, that upon the relinquishment by the state of Wisconsin, under appropriate legislative enactment, of all right, title, claim and interest in and to all lands embraced in said report and list, which have been heretofore disposed of by the United States, otherwise than according to the provisions of the swamp-land grant, the state of Wisconsin shall be entitled to select, according to the legal sub-divisions of government survey, from the unappropriated public lands within said state, to which no claim lawfully arising under the public land laws is asserted in any proceeding pending before the interior department at the time of such selection, a like quantity of land, which shall be patented to the state of Wisconsin in lieu of the lands so otherwise disposed of, and,

Preamble.

Whereas, said bill also provides, that the state of Wisconsin shall be entitled to receive indemnity and patents for all "swamp-lands" located within any existing Indian reservation in said state, shown to be swamp and overflowed, either by said report and list or by the plats and field notes of government survey approved thereafter, and also in lieu of any "school-lands" within such Indian reservation, and,

Preamble.

Whereas, said bill further provides, that the act of congress shall be of no force or effect unless the state of Wisconsin, not later than the next regular session of its legislature, after the passage of said act, shall, by legislative enactment accept the provisions thereof, and make, or authorize the making of the relinquishments required in said act.

SECTION 1. The governor of the state of Wis-

consin is hereby authorized and empowered to accept the provisions of any act or acts of congress hereafter enacted providing for the adjustment of any claim of the state of Wisconsin, and particularly any claim growing out of the swamp-land grant to said state, and his written acceptance, which is hereby authorized, of the provisions of any such act or acts, when filed with the secretary of the interior, shall have the same force and effect as an act of the legislature expressly accepting the specific provisions of any such act or acts.

Governor authorized to accept provision of any act of congress.

SECTION 2. The governor of the state of Wisconsin is fully authorized and empowered to relinquish all right, title, claim and interest of the state of Wisconsin to any and all lands embraced in the report and list, certified by the commission August thirteenth, A. D. 1881, which have been heretofore disposed of otherwise than according to the provisions of the swamp-land act, and in and to the lands embraced in any existing Indian reservation in the state of Wisconsin which are shown to be swamp and overflowed either by said report and list, or by the field notes of government survey, approved after August thirteenth, A. D. 1881, and to select, in lieu of such lands so relinquished, an equal quantity of lands by way of indemnity, providing, that the state of Wisconsin shall have been authorized by an act of congress to select from, and receive patents for a like quantity of land from the unappropriated public lands within said state, to which no claim lawfully arising under the public land laws is asserted in any proceeding pending before the interior department at the time of such selection. The provisions of this act shall apply to any "school-lands" in said reservations.

Governor authorized to relinquish title to state lands.

SECTION 3. The governor of the state of Wisconsin is hereby authorized and empowered to do or procure to be done whatsoever he may deem necessary in order to facilitate the speedy adjustment of all claims which the state of Wisconsin may have against the United States.

Governor authorized to effect speedy settlement.

Appropriating section.

SECTION 4. There is hereby appropriated out of the general fund a sum of money sufficient to carry out the provisions of this act, and said fund shall be reimbursed from the sale of any lands acquired through the provisions of this act.

SECTION 5. All acts or parts of acts in any manner conflicting with any of the provisions of this act are hereby repealed.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved April 26, 1899.

No. 124, S.] [Published April 29, 1899.

CHAPTER 270.

C270 '99
See
C 21 '01

C 270 '99
See
§2 C 448 '01

Ch. 270
See 1901 c 21
See 1901 c 448

AN ACT to provide for the incorporation of life insurance companies, or associations, and the transaction of life insurance upon the stipulated premium plan.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

§1 C 270 '99
§1 C 448 '01

Who may incorporate, capital stock, etc.

SECTION 1. Incorporation.—Nine or more persons, residents of the state of Wisconsin, may form a corporation for the purpose of making insurance upon the lives or health of individuals, and every insurance appertaining thereto, or connected therewith, on the stipulated premium plan as defined and regulated in this act, by complying with section 1897 of the Wisconsin statutes for the year 1898, and any such corporation, company or association may incorporate with a capital stock of not less than fifty thousand dol-

lars, or upon the mutual plan, as shall be provided in the articles of incorporation.

Insurance commissioner to certify that company has complied with law.

SECTION 2. Completion of Organization, Deposit and Fees.—No such corporation, company or association shall commence the business of life insurance, until, if a stock company or association, the capital stock shall have been actually subscribed and paid up in cash, or if a mutual company or association, at least two hundred persons eligible under the proposed plan of the organization shall have been subscribed in writing to be insured therein in the aggregate amount of at least five hundred thousand dollars, shall have been examined and recommended by a reputable physician, and shall have each paid or become obligated to pay the amount of one annual stipulated net premium for their age at entry on the amount of insurance severally subscribed for, and which shall be held in trust for the benefit of the members of such corporation or their beneficiaries; nor until the commissioner of insurance shall have certified that such corporation, company or association has complied with the provisions of this act and is authorized to transact the business of life insurance. Provided, however, that every such corporation, company or association incorporating or re-incorporating under the provisions of this act shall deposit with the state treasurer to be held in trust for the benefit and protection of and as security for such policy holders of such corporation, company or association their legal representatives and beneficiaries in such securities as are required by law to be deposited by insurance companies at least the sum of twenty-five thousand dollars within one year after date of such incorporation or re-incorporation, and five thousand dollars annually thereafter until the sum of one hundred thousand dollars is deposited and the state treasurer shall give receipts for the same; and every such corporation, company or association depositing such securities may receive the income thereof and exchange the same from time to time and

Deposits with state treasure required.

withdraw the same after all its debts and liabilities of every kind are paid and extinguished, for which such deposit is made to secure. Every such corporation, company, or association shall pay the commissioner of insurance for its annual license twenty-five dollars, for each agent's certificate of authority one dollar and for making an official examination five dollars per day and necessary expenses.

Use of term stipulated premium.

SECTION 3. Corporations Subject to This Act.—Any corporation, company or association which issues any policy, certificate or other evidence of interest to, or makes any promise or agreement with its members whereby any money or other benefit is to be paid to a member, or upon his decease to his legal representatives or assigns or beneficiaries designated by him, which money or benefit is derived from stipulated premiums collected from its members, or members of a class therein, or from interest or accumulations and wherein the money or other benefit so realized is applied to or accumulated for the use and purpose of such corporation, company or association as herein specified, and the expense of its management and prosecution of its business, shall be deemed to be engaged in the business of life insurance upon the stipulated premium plan and shall be subject only to the provisions of this act and of sections 1955c, 1955i, 1955o, of the Wisconsin statutes for the year 1898. It shall be unlawful for any corporation, company or association not having complied with the provisions of this act, to use the term stipulated premium in its applications or contracts or to print or write the same in its policies or literature.

Vote of majority of directors necessary to qualifying under act.

SECTION 4. Existing Companies, Associations or Societies Qualifying Under This Act.—Any domestic corporation, company or association existing or doing business under the provisions of law at the time this act takes effect, may, by a vote of the majority of its board of directors or trustees, and upon obtaining the consent of the commissioner of insurance thereto in writing, accept the provisions of this act, and amend its

articles of incorporation to conform with the same, so as to cover and enjoy any and all the provisions and privileges of this act, which might have been included and enjoyed if it had been originally incorporated hereunder; and may change its corporate name, providing the name of any existing corporation shall not be appropriated or used; and it shall file amended articles of incorporation and the consent required by this section, in the office of the commissioner of insurance, and thereafter perpetually enjoy the same and be deemed to have incorporated under this act. The re-incorporating or qualifying of any existing domestic or foreign corporation under the provisions of this act shall in no way annul, modify or change any existing contracts or liabilities of such existing corporation, and any and all such existing contracts and liabilities shall continue in full force and effect, the same as though such corporation had not re-incorporated or qualified under this act. Neither shall the re-incorporating or qualifying of any such corporations under the provisions of this act in any way prejudice, impede or impair any pending action or proceeding or any rights previously accrued. No corporation, company or association qualifying hereunder shall issue any policy in this state except in compliance with the provisions of this act.

Existing contracts not affected.

SECTION 5. Minimum Premiums.—Every such corporation, company or association doing business under the provisions of this act shall charge upon its ordinary life policies at least a net premium calculated upon the American experience table of mortality, with interest at four and one-half per centum per annum, equal to that of a yearly term insurance at the age of entry, and increased at least twenty-five per centum, and upon its term policies the net premium at the age of entry according to the term selected and the American experience table of mortality, with interest at four and one-half per centum per annum, and

Premiums based on American mortality table, at 4½ per cent.

may be paid annually, semi-annually, quarterly, bi-monthly or monthly in advance.

Reserve of at least net premium required.

SECTION 6. Reserve Fund.—Every such corporation, company or association, shall, after the first policy year, accumulate and maintain upon its ordinary life policies issued under the provisions of this act a reserve of not less than the net premium, according to the premium payment of each policy, which net premium shall equal the amount called for by the American experience table of mortality at the attained age of the insured, computed as specified in section 5 of this act, and upon its term policies hereafter issued the reserve according to the American experience table of mortality and interest at four and one-half per centum per annum. If the amount of such reserve is at any time less than that required by this section or by the terms and conditions of such policies, the impairment shall be made up and restored within six months thereafter; otherwise the commissioner of insurance may require the officers of such corporation to notify its policy holders to pay, within thirty days after the mailing of such notice, an extra premium, apportioned pro rata among them according to the amount of their insurance, sufficient to make good such impairment and at least equal to the maximum policy issued. If any member fails to pay such extra premium within the time named the policy shall be commuted proportionately and the policy as commuted shall be the maximum amount for which the corporation shall be liable. Said thirty days' notice shall clearly state the pro rata amount of the impairment due from the insured, and shall contain the further statement that in the event of failure to pay the same within thirty days after the mailing of such notice, the policy will be commuted as aforesaid.

Impairment of reserve to be restored in six months.

Terms of, and how carried.

SECTION 7. Limited Payment Policies.—Any corporation, company or association doing business under this act may issue limited payment policies provided such policies hereafter issued state the portion of each of the premiums to be held by and charged against such corporation

during the term of years in which the premiums are to be paid, which shall in each year after the first equal the annual reserve portion of the net premium according to the American experience table of mortality with interest at four and one-half per centum per annum, and which portion at the expiration of such term of years together with the interest accredited thereto shall not then be less than the single net premium at the age attained according to the American experience table of mortality with interest at four and one-half per centum per annum and shall be carried in a separate fund to thereafter maintain such policies; and if any such corporation doing business under this act shall not state in its limited payment policies the portion of each of the premiums to be held by it for the purpose of sustaining the insurance after the term of years during which the premiums are to be paid, or if any such corporation shall issue any form of investment policies, then such limited payment or other form of investment policies hereafter issued shall be valued on the basis of the American experience table of mortality and interest at four and one-half per centum per annum.

Ch. 270—7a
1901, c 221
New Sec.
See 1901 c 448
87a C 270 '99
New §
81 C 221 '01

SECTION 8. Surrender Values.—Any corporation, company or association authorized to do business hereunder may provide for surrender values in cash, paid up or extended insurance, provided the amount of reserve computed and to be set apart for such values, is plainly stated in the policy and provided further that such values shall not be in excess of the portion of the premium with interest accretions thereto collected for such purpose.

Reserved for, to be plainly stated in policy.

SECTION 9. Distribution of Surplus.—If the reserve fund exceeds the amount of one hundred thousand dollars after providing for the attained age of all policy holders, then the surplus may be apportioned by the corporation as a dividend to members in reduction of premiums, in the purchase of paid up or extended insurance or may be paid in cash; or such dividend or dividends

By dividend to policy holders.

may be paid to the beneficiary of a deceased member in addition to the face of the policy.

Policy to specify maximum insurance upon each contingency. Failure to pay.

SECTION 10. Payment of Maximum Insurance.—Every policy hereafter issued by any corporation, company or association doing business under this act and promising any payment to be made upon a contingency provided for in this act, shall specify the sum of money which it promises to pay upon each contingency insured against, and the number of days after satisfactory proof of the happening of same on which such payment shall be made. Upon the occurrence of such contingency, unless the contract shall have been avoided by fraud or breach of its conditions, the corporation shall be obligated to the beneficiaries or insured for such payment at the time and to the maximum amount due under the policy. If the commissioner of insurance shall be satisfied upon investigation, that any such corporation has refused or failed, after proper demands, to make such payment for sixty days after final judgment has been obtained upon such claim, he shall notify the corporation to issue no new policies until such indebtedness is fully paid and no officer or agent of the corporation shall make, sign or issue any policies of insurance while such notice is in force.

How same may transact business in this state.

SECTION 11. Foreign Corporations.—No corporation, company, association or society organized under the laws of any other state or territory of the United States or the district of Columbia or foreign country, shall transact business under the provisions of this act until it has received from the commissioner of insurance a certificate of authority to do business in this state, a duplicate of which shall be filed in his office. The commissioner shall annually issue to such foreign corporation, company, association or society renewal certificates of authority to continue business, if it shall have fully complied with the provisions of this act, and if the commissioner shall be of the opinion that any such corporation, company, association or society is not

entitled to a renewal of a certificate of authority he shall cite the same to appear, giving reasons therefor, and show cause why the certificate of authority should not be renewed; and unless the certificate of authority shall be renewed within thirty days after such hearing, such foreign corporation, company, association or society shall cease to do business in this state, provided the decision of the commissioner of insurance shall be subject to review by any court of competent jurisdiction. When any state, territory or foreign country shall impose any obligations upon any such corporation of this state, or their agents, transacting business in such other state, territory or foreign country, the like obligations are hereby imposed upon similar corporations of such other state, territory or foreign country and their agents or representatives transacting business in this state and such corporation, company, association or society of such other state, territory or foreign country, and its agents and representatives, shall pay all licenses, fees or penalties to and make deposits with the commissioner of insurance imposed by the laws of such other state, territory or foreign country upon any corporation of this state doing business therein; and in case of failure to pay the same, the commissioner shall refuse the certificate of authority herein provided for or cancel such certificate if one shall have been previously issued. No foreign corporation, company, association or society shall be authorized to transact any business authorized by this act within this state, unless it furnishes evidence satisfactory to the commissioner of insurance that it has a reserve fund equal in amount to that required by this act, and that the same is held for the benefit of policy holders only, and invested as required by the insurance laws of its home state. Neither shall any foreign corporation, company, association or society to be authorized to do business in this state unless it collects in advance for the benefit of its policy holders a net premium equal to at least that provided for by the terms of this act.

Duties of insurance commissioner.

Laws of other states when applicable in Wisconsin.

Policy holders not liable for losses.

SECTION 12. No Personal Liability.—No pe son shall incur any personal liability for tl losses or liabilities of any corporation, or associ tion organized or doing business under this a by reason of being a policy holder in such corp ration.

Approval of majority of directors necessary to re-insurance.

SECTION 13. Consolidation and Re-Insu ance.—No stipulated premium life insuran company or association organized under this a shall consolidate with another company or tran fer or re-insure its risks with any other compar or association or assume or re-instate the wh or any part of the risks of any other company association, except with the approval of a majo ity of the directors or stockholders of any suc corporation, provided, however, that any suc company or association may re-insure a fra tional part of any single risk, but no such insu ance shall in any manner release the company association from its obligation under its contra with the policy holder. All such re-insuran shall be reported annually to the commissione of insurance.

Not exceeding $5,000.

SECTION 14. Proceeds Not Liable for Debts.- The money or other benefit to be paid, provide or rendered by any corporation authorized to d business under this act, not exceeding five tho sand dollars, shall not be liable to attachment other process and shall not be seized, taken, a propriated or applied by any legal or equitab process, nor operation of law, to pay any debt liability of a policy or certificate holder, or of an beneficiary named in a policy or certificate.

Report to be made to insurance commissioner.

SECTION 15. Annual Report.—The annu business of each and every corporation, compa or association transacting business under provisions of this act shall close on the thir first day of December of each year and it sh within sixty days thereafter prepare and file the office of the commissioner of insurance, a tailed statement, made upon blanks furnished the insurance department, and verified und oath by the president and secretary of the cor ration, company or association giving the inf

mation in detail required by the insurance department so as to show its true financial condition.

SECTION 16. This act shall not relate or apply to fraternal beneficiary societies, orders or associations doing business in this state on the lodge system, unless any such society, order or association shall qualify hereunder. Fraternal societies not affected.

SECTION 17. This act shall take effect and be in force from and after its passage and publication.

Approved April 26, 1899.

No. 344, S.] [Published May 1, 1899.

CHAPTER 271.

AN ACT to provide for compensation to counties maintaining a hospital for the care and maintenance of acute and chronic insane persons and to provide payment for past maintenance of insane persons therein.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. As early as practicable in the month of July 1899, and in the months of January and July in every succeeding year, the secretary of state shall compute the aggregate amount which any county, maintaining a county hospital for the insane shall be entitled to receive from the state on the basis of two dollars and seventy-five cents per week for each acute insane and one dollar and fifty cents per week for each chronic insane person, to be certified by the trustees of said hospital to have been maintained by such county at public cost during the six months immediately preceding the first days of January Rate of compensation to be received from state. How paid.

and July, as aforesaid; and he shall thereupon draw his warrant for such aggregate amount, in behalf of said county, and shall deliver said warrant to the state treasurer, who shall thereupon place the amount of said warrant to the credit of said county on the books of the treasury. Such certificate shall be verified by the affidavit of the president and secretary of the board of trustees of such hospital, provided further, that before said warrant shall issue, the board of control shall determine as accurately as possible the number of acute and the number of chronic insane maintained in such hospital and certify the number of each to the secretary of state.

SECTION 2. All sums of money which would have become due to any such county under the provisions of section 10 of chapter 233, of the laws of Wisconsin for the year 1881 if the same had not been repealed shall be certified and paid to July 1, 1899, as provided by said act.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 26, 1899.

Ch. 272
See 05 c 243
See 05 c 417

No. 275, S.] [Published April 29, 1899.

CHAPTER 272.

AN ACT to amend section 486a, relating to libraries.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Fund for libraries, how derived and expended.

SECTION 1. Section 486a of the Wisconsin statutes, 1898 is hereby amended so as to read as follows: Section 486a. The treasurer of

every town, incorporated village, or city of the fourth class in this state, shall withhold annually from the apportionment received from the school fund or other income for the school district or districts, the schoolhouse or schoolhouses of which are located in his town, village or city, an amount equal to ten cents per capita for each person of school age residing therein, for the purchase of library books as hereinafter provided. Between the first days of May and September of each year, the town, village, or city clerk except that in cities having a board of education such board of education, or a majority thereof, shall act in place of the city clerk, shall, with the assistance and advice of the county or city superintendent of schools, as the case may be, expend all such money in the purchase of books selected from the list prepared by the state superintendent, for the use of the several school districts from which money has been so withheld, said books to be distributed among said districts, in proportion to the amount of money withheld from each. In the case of joint districts between one or more towns, a town or towns and an incorporated village or city, the treasurer or treasurers of the town or towns, shall transmit to the treasurer of the town, village or city in which the schoolhouse or houses may be located, on or before the first day of June of each year, an amount equal to ten cents per capita for each person of school age residing in that part of the joint district in his town at the time of the last annual school census. The state superintendent shall prepare, as often as he shall deem necessary, lists of books suitable for school district libraries, and furnish copies of such list to each town, village or city clerk, or secretary of the board of education, and to each county or city superintendent, from which lists the above designated officers shall select and purchase books for use in such school libraries. Each town, village or city clerk, or secretary of the board of education, shall keep a record of the books so purchased and distributed in a book provided for that purpose. For such services

State superintendent to prepare list of books.

properly performed, each clerk or secretary shall be allowed two dollars per day for each day actually and necessarilly devoted thereto, such sum to be paid out of the town, village or city treasury.

When state superintendent may suspend act.

SECTION 2. The state superintendent shall have authority to suspend the operation of this act in any school district, town, village or city which shall maintain a free public library by giving due notice of such suspension to the clerk of such school district, town, village or city.

SECTION 3. This act shall take effect and be in in force from and after its passage and publication.

Approved April 26, 1899.

No. 195, S.] [Published April 29, 1899.

CHAPTER 273.

AN ACT to amend section 496c, Wisconsin statutes, relating to the establishment and maintenance of manual training departments in connection with free high schools and make an appropriation therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

State aid to manual training. How secured, amount of, and how paid.

SECTION 1. Section 496c of the Wisconsin statutes of 1898, is hereby amended by omitting after the word "superintendent" in the seventh line, the words, "provided, that he shall not place upon said list more than twenty schools," and after the word "school" in the twenty-first line, the words "provided, that the total amount expended for such purpose shall not exceed five thousand dollars in any year," so that when

amended said section shall read as follows: Section 496c. Any high school whose course of study or outline of work in manual training has been approved by the state superintendent, and whose teacher has been qualified may, upon application, be placed upon an approved list of schools maintaining manual training departments. A school once entered upon such list may remain there and be entitled to state aid so long as the scope and character of its work are maintained in such manner as to meet the approval of such superintendent. On the first day of July in each year the clerk of each school board maintaining a school on the approved list or the city superintendent of any city where such an approved school is maintained, shall report to the state superintendent in such form as may be required, setting forth the facts relating to the cost of maintaining the manual training department thereof, the character of the work done, the number and names of teachers employed, and the length of time such department was maintained during the preceding year. And upon the receipt of such report, if it shall appear that the department has been maintained in a satisfactory manner for a period of not less that six months during the year, the said superintendent shall make a certificate to that effect and file it with the secretary of state. Upon receiving such certificate the secretary of state shall draw his warrant for two hundred and fifty dollars payable to the treasurer of the district or corporation maintaining the school, provided, that the total amount expended for such purpose shall not exceed five thousand dollars in any year.

Appropriating section.

SECTION 2. There is hereby annually appropriated out of any money in the state treasury not otherwise appropriated a sum sufficient to carry out the provisions of this act.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 27, 1899.

No. 98, S.] [Published May 9, 1899.

CHAPTER 274.

AN ACT to regulate the employment of minors in the state of Wisconsin.

§1 C 274 '99
§1 C 402 '03

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

§1 C 274 '99
§1 C 182 '01

Child under 14 not to be employed in school year.

C 274 '99
C 349 '03

Ch. 274, § 1
1901, c 182

Ch. 274 § 1
1903 c 349
1903 c 402

SECTION 1. No child under fourteen years of age shall be employed at any time in any factory or workshop or in or about any mine. No such child shall be employed in any mercantile establishment, laundry or in the telegraph, telephone or public messenger service, except during the vacation of the public schools in the town, district or city where such child is employed.

§2 C 274 '99
§2 C 182 '01

Employers to keep a register of minors employed.

Ch. 274, § 2
1901 c 182 § 2

Register, what to contain.

SECTION 2. It shall be the duty of every person, firm or corporation, agent or manager of any firm or corporation employing minors in any mercantile establishment, store, office, laundry, manufacturing establishment, factory or workshop or in the telegraph, telephone or public messenger service within this state to keep a register in said mercantile establishment, store, office, laundry, manufacturing establishment, factory or workshop in which said minors shall be employed or permitted or suffered to work, in which register shall be recorded the name, age, date of birth, place of residence of every child employed or permitted or suffered to work therein under the age of sixteen years; and it shall be unlawful for any person, firm or corporation, agent or manager of any firm or corporation to hire or employ or to permit or suffer to work in any mercantile establishment, store, office, laundry, manufacturing establishment, factory or workshop, telegraph, telephone or public messenger service any child under the age of sixteen years unless there is first provided and placed on file in such mercantile

establishment, store, office, laundry, manufacturing establishment, factory or workshop an affidavit made by the parent stating the name, date and place of birth and name and place of the school attended of such child. If such child have no parent or guardian, then such affidavit shall be made by the child, and the register and affidavits herein provided for shall, on demand, be produced and shown for inspection to the factory inspector, assistant factory inspectors or any officer of the bureau of labor and industrial statistics.

Affidavit of parent or guardian necessary when child is under sixteen.

SECTION 3. No person under the age of sixteen years shall be employed, required, permitted or suffered to work for wages at any gainful occupation longer than ten hours in any one day, nor more than six days in any one week, nor after the hour of nine at night nor before the hour of six in the morning.

Length of time employment is permitted.

SECTION 4. It shall be the duty of the commissioner of labor, the factory or assistant factory inspectors to enforce the provisions of this act, and to prosecute violations of the same before any court of competent jurisdiction in this state. It shall be the duty of the said commissioner of labor or the factory or assistant factory inspectors, and they are hereby authorized and empowered to visit and inspect, at all reasonable times, and as often as possible, all places covered by this act.

Duty of commissioner of labor and factory inspectors.

SECTION 5. The commissioner of labor, the factory or assistant factory inspectors shall have the power to demand a certificate of physical fitness, from some regularly licensed physician, in the case of children who may seem physically unable to perform the labor at which they may be employed, and no minor shall be employed who cannot obtain such a certificate.

Power to demand certificate of physical fitness.

SECTION 6. Whenever it appears upon due examination that the labor of any minor over twelve years of age, who would be debarred from employment under the provisions of section one of this act is necessary for the support of the family to which said child belongs or for its own

When a minor may be employed.

§6 C 274 '9
§3 C 182 '01

Ch. 274, §
1901 c 182 §

support, the county judge of the county where said child resides, the commissioner of labor or any factory or assistant factory inspector may in the exercise of their discretion issue, free of charge, a permit or excuse authorizing the employment of such minor within such time or times as they may fix.

Care of elevator prohibited.

SECTION 7. No firm, person or corporation shall employ or permit any child under sixteen years of age to have the care, custody, management or operation of any elevator.

Term "workshop," etc., defined.

SECTION 8. The words "manufacturing establishment," "factory" or "workshop" as used in this act, shall be construed to mean any place where goods or products are manufactured or repaired, dyed, cleaned or sorted, stored or packed, in whole or in part, for sale or for wages, and not for the personal use of the maker or his or her family or employer.

Penalty for violation of act by employer.

SECTION 9. Any person, firm or corporation, agent or manager of any corporation who, whether for himself or for such firm or corporation or by himself or through agents, servants or foremen shall violate or fail to comply with any of the provisions of this act or shall hinder or delay the commissioner of labor, the factory or assistant factory inspectors or any or either of them in the performance of their duty or refuse to admit or shut or lock them out from any place required to be inspected by this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than ten dollars nor more than one hundred dollars for each offense. Any corporation which, by its agents, officers or servants, shall violate or fail to comply with any of the provisions of this act shall be liable to the above penalties, which may be recovered against such corporations in an action for debt or assumpsit brought before any court of competent jurisdiction in this state.

Penalty for violation by parent or guardian.

SECTION 10. Any parent or guardian who suffers or permits a child to be employed or suffered or permitted to work in violation of this act shall be guilty of a misdemeanor and upon

conviction thereof, shall be fined not less than five nor more than twenty-five dollars.

SECTION 11. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SECTION 12. This act shall take effect and be in force from and after its passage and publication.

Approved April 27, 1899.

No. 259, S.] [Published May 1, 1899.

CHAPTER 275.

AN ACT requiring and directing the commissioners of public lands to ascertain and make a statement of money due any of the counties of the state of Wisconsin for the sale of indemnity lands and to submit such statement to the next session of the legislature.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

To make tabulated statement of moneys due Columbia and Sauk counties.

SECTION 1. The commissioners of public lands are by this act required and directed at their convenience to ascertain and make a tabulated statement of the amount of all money due to the counties of Sauk and Columbia, and all other counties of the state of Wisconsin, from the sale of indemnity lands obtained by the state from the general government in the year 1881, according to chapter 322, laws of 1883, and chapter 340, laws of 1889, and to submit such detailed statement to the next session of the legislature.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 27, 1899.

No. 37, S.] [Published May 1, 1899.

CHAPTER 276.

AN ACT to appropriate certain sums of money therein named to the several charitable, penal and reformatory institutions of the state for the purpose of defraying the current expenses thereof and to provide for the disposition of unused balances of special funds of such institutions.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amount of appropriations to each institution.

SECTION 1. There is hereby appropriated out of any money in the general fund in the state treasury, not otherwise appropriated, to the institutions hereinafter named the following sums of money for the current expenses of said institutions, including painting and necessary repairs, to-wit: to the Wisconsin state hospital for the insane to January first, 1901, one hundred and thirty-five thousand dollars; to the northern hospital for the insane to January first, 1901, one hundred and sixty-five thousand dollars; to the Wisconsin school for the deaf to March first, 1901, eighty-five thousand dollars; to the Wisconsin school for the blind to March first, 1901, sixty-five thousand dollars; to the Wisconsin industrial school for boys to January first, 1901, one hundred and fifteen thousand dollars; to the Wisconsin state prison to March first, 1901, seventy thousand dollars; to the state public school to March first, 1901, eighty-five thousand dollars; to the Wisconsin home for feeble-minded to January first, 1901, seventy-five thousand dollars; to the Wisconsin state reformatory to April first, 1901, one hundred thousand dollars.

SECTION 2. The unexpended balances remaining in the special funds hereinafter named of the

several state institutions under the supervision of the board of control are hereby returned to the general fund of the state treasury, to-wit: state hospital for the insane; for new pumping station and for iron fire escapes, northern hospital for the insane; for roof of section north wing and for repairs to sewer, school for the deaf; water supply for fire protection, school for the blind; water supply for fire protection, industrial school for boys; for central heating plant, state prison; for land purchase and state public school for fire escapes.

Unexpended balances returned.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 27, 1899.

No. 366, S.] [Published April 29, 1899.

CHAPTER 277.

AN ACT for a tax on the property in this state of equipment companies and amendatory of section 1, chapter 114, of the laws of 1899.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1 of chapter 114, of the laws of 1899 is hereby amended by adding the words "or shippers" after the word "carriers" so that said section when amended shall read as follows: section 1. Any person, or any joint stock company, partnership, association, or corporation, wherever organized or incorporated whose principal business is furnishing or leasing any kind of railroad cars to common carriers or

Equipment companies defined.

shippers except sleeping cars, to be used on, in the operation of the line of any railroad co pany wholly or partly within this state, not ing the owner or lessee of such railroad, shall deemed an equipment company.

SECTION 2. This act shall take effect and in force from and after its passage and publi tion.

Approved April 27, 1899.

No. 8, S.] [Published April 29, 18

CHAPTER 278.

AN ACT to amend section 764a of the statutes 1898, relating to fees and salaries in the regi ter of deed's office in counties in this state ha ing a population of one hundred and fifty tho sand and upwards.

The people of the state of Wisconsin, represente senate and assembly, do enact as follows:

Amending portion.

SECTION 1. Section 764a of the statutes 1898, is hereby amended as follows: insert af the word "five" in the twelfth line of said sec the words "and not more than thirteen." St out the word "forty" where it occurs in twelfth line and insert the word "fifty." St out the word "five" where it occurs in the twe fourth line, and insert the words "seven and half." Strike out the word "two" where it curs in the twenty-fifth line, and insert the w "three." Strike out the word "thirty" wher occurs in the twenty-sixth line, and insert words "thirty-seven and one-half." Strike the word "forty" where it occurs in the th sixth line and insert the word "fifty." St

out the word "four" where it occurs in the thirty-fifth line, and insert the word "five." Strike out the word "fifteen" where it occurs in the thirty-fifth line, and insert the word "twenty." Strike out the word "twenty-five" where it occurs in the fortieth and forty-first lines, and insert in lieu thereof the word "forty." Strike out the word "seven" where it occurs in the fifty-sixth line, and insert the word "ten." Strike out the word "ten" where it occurs in the fifty-seventh line, and insert the word "thirteen." Strike out the word "five" in the fifty-eighth line, and insert the word "seven." Strike out all of the last two lines of said section, so that said section when amended shall read as follows: Section 764a. The provisions of the foregoing section shall not apply to counties which are shown by the last census to have a population of one hundred and fifty thousand or more; but in all counties which have or shall contain such a population the register of deeds, whose term of office begins next after the taking of any census which shall show such number of inhabitants to be in any such county, shall receive, in lieu of all fees, a salary of four thousand dollars per year; the deputy register of deeds a salary of one thousand eight hundred dollars per year; the entry or receiving clerk a salary of one thousand two hundred dollars per year; and the remainder of the clerical force shall be two comparing clerks at a salary of fifty dollars per month each, and a sufficient number of copyists, not less than five and not more than thirteen, who shall each receive fifty dollars per month. All these salaries shall be paid by the county treasurer monthly, except that those of the register, his deputy and the entry or receiving clerk shall be so paid quarterly. The register shall appoint his deputy and all the other clerks which may be employed in his office, but the appointment of such deputy shall not take effect until it is confirmed by the county board. The register of deeds in every such county shall, quarterly, pay to the county treas-

Salary of register, his deputy and clerks.

Salaries, how paid.

urer all the fees and emoluments of every kind and nature received by him as register, and shall, at the same time, file with the county clerk, to be laid before the county board, a sworn statement of all such fees and emoluments for said quarter and of the expenses of his office during such time. Every such register shall receive the following fees, to-wit: For entering and recording any deed or other instrument, seven and one-half cents for each folio and three cents for every necessary entry thereof in the tract index when kept, but not less than thirty-seven and one-half cents for any deed nor sixty cents for any mortgage. For recording any instrument written in any other than the English language, fifteen cents for each folio. For filing and entering any writ of attachment or copy thereof, with the certificate of an officer, or any certificate or [of] sale, or notice of the pendency of any action containing not more than twenty defendants, twenty cents, and the same sum for every twenty additional defendants, in any such writ, certificate or notice. For copies of any records or papers, five cents for each folio and twenty cents for his certificate. For entry of a discharge of a mortgage in the margin of a record ten cents. For filing every other paper and making entry thereof when necessary ten cents. For a certified copy of a full record of any marriage, birth or death, forty cents. For examining proofs of marriage, birth or death when presented in the form of affidavits, twenty cents. All the foregoing fees to be payable in advance by the party procuring such services. For registering any marriage, birth or death, twenty cents, and for a copy thereof certified to the secretary of state, seven cents, to be paid by the county in cases where the certificates or proof of such marriage, birth or death is presented for registration within one year after its occurrence, but otherwise to be paid by the party procuring registration. For making his annual statistical return of real estate sales to the secre-

Fees for recording instruments, etc.

tary of state, six cents per folio, to be paid out of the state treasury. For making a new tract index upon the order of the county board, such sum as may be fixed by the board, not exceeding two cents for each entry, to be paid from the county treasury. For recording plats containing from one to twenty lots, ten dollars, and for plats containing from twenty to fifty lots, thirteen dollars, and for each additional lot seven cents.

SECTION 2. This act shall take effect and be in force from and after the first day of May, 1899.

Approved April 28, 1899.

No. 133, A.] [Published May 1, 1899.

CHAPTER 279.

AN ACT to establish a board of immigration, and making an appropriation to provide for the cost of maintenance thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The governor and the secretary of state are hereby constituted a board of immigration for this state, and the state board of immigration shall continue in office until April 1st, 1901, and discharge the duties prescribed by this bill. Said board shall receive no compensation for their services.

Governor and secretary of state made the board.

SECTION 2. The board of immigration provided in the first section of this act, shall appoint a secretary who shall receive a salary not to exceed eighteen hundred dollars, per annum, and who shall devote his time exclusively to the promotion and encouragement of immigration to, and the settlement of, this state, under the direc-

Board to appoint a secretary, and salary of.

tion of said board, and to the performance of such other duties as shall be prescribed by the board. Said secretary may employ an assistant who shall receive a salary not to exceed twelve hundred dollars, to be paid out of the appropriation mentioned in section 5, of this bill. Said secretary may be removed from office in the discretion of said board, who may appoint another person to fill the vacancy caused by such removal.

Committees to aid board may be appointed in counties.

SECTION 3. The state board shall have power to appoint in such counties as it shall deem expedient, a committee of three persons to aid the board of imigration in the performance of its duties under the provisions of this act, which committee shall act under the advice and instructions of said board, without compensation from the state.

Authority to collect statistics.

SECTION 4. The state board of immigration shall have authority to provide for the collection of statistics of useful information relating to the population, climate, soil, products, agricultural, mineral and other resources and advantages of this state, and for the printing, distribution and dissemination thereof, in such form and in such language as it may deem expedient and for the best interest of the state.

$5,000 annually appropriated to defray expenses of board.

SECTION 5. There is hereby appropriated out of the general fund in said treasury not otherwise appropriated, the sum of five thousand dollars annually for the years 1899, 1900, to be drawn on the order of the governor and secretary of state, to be then by them expended pursuant to and under the provisions of this act.

SECTION 6. The term of office of said board shall cease and determine on the first day of April, 1901, and this act shall cease to be of force and effect from and after the first day of April, 1901.

SECTION 7. This act shall take effect and be in force, from and after April 1st, 1899.

Approved April 27, 1899.

No. 523, A.] [Published May 1, 1899.

CHAPTER 280.

AN ACT to authorize Waushara county to aid the Waushara County Agricultural society in the erection of buildings and for the other purposes of the society.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The board of supervisors of the county of Waushara, in the state of Wisconsin, are hereby authorized and empowered to appropriate a sum not exceeding five hundred dollars in any one year, to aid and assist the Waushara County Agricultural society, a duly organized and incorporated agricultural society, in said county, in the erection of fences, sheds and fair buildings on lands owned or used and occupied by said society in the village of Wautoma and for other purposes of said society, upon such terms and conditions as to the said county board may seem just and proper; said buildings and improvements in grounds to be used for the purpose of holding annual fairs and exhibitions of an agricultural nature for the benefit of the people of said county.

County board authorized to appropriate $500 annually to aid society.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved April 27, 1899.

No. 287, A.] [Published May 1, 1899.

CHAPTER 281.

AN ACT to authorize Douglas county to aid the Douglas County Agricultural society in the erection of fair buildings and other improvements, for the purpose of holding agricultural fairs and exhibitions.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Board authorized to appropriate $4,000 for fair purposes.

SECTION 1. The board of supervisors of the county of Douglas in the state of Wisconsin, are hereby authorized and empowered to appropriate a sum, not exceeding four thousand dollars, to aid and assist the Douglas County Agricultural society, a duly organized and incorporated agricultural society in said county, in the erection of fences, sheds and fair buildings, on lands owned or used and occupied by said society, in the city of Superior, upon such terms and conditions as to the said county board may seem just and proper; said buildings and improvements and grounds, to be used for the purpose of holding annual fairs and exhibitions of an agricultural nature, for the benefit of the people of said county.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 27, 1899.

No. 281, A.] [Published May 1, 1899.

CHAPTER 282.

AN ACT to amend section 1665 Wisconsin statutes of 1898, relating to standard of weights and measures.

Ch. 282
See 1901 c 111

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1665 of Wisconsin statutes of 1898, is hereby amended by adding at the end of said section 1665, the words: "and two thousand two hundred and forty pounds for a cord of hemlock bark," so that said section when amended shall read as follows: Section 1665. The following shall be the legal standard of weights and measures in this state. The avoirdupois pound to bear to the troy pound, the relation of seven thousand to five thousand seven hundred and sixty. Whenever either of the articles as commodities in this section mentioned, shall be sold by the bushel, and no special agreement as to the measure or weight thereof shall be made, the measure thereof shall be ascertained by weight, and shall be computed as follows: sixty pounds for a bushel of wheat, peas, potatoes, clover seed or beans; fifty seven pounds for a bushel of green apples or onions; fifty-six pounds for a bushel of Indian corn or rye; fifty-five pounds for a bushel of flax-seed; fifty-four pounds for a bushel of sweet potatoes; fifty pounds for a bushel of corn meal, rape seed, millet seed, beets, green cucumbers, rye meal, carrots or fine salt; forty-eight for a bushel of barley, apples, Hungarian grass seed or buckwheat; forty-five pounds for a bushel of timothy seed or rough rice; forty-four for a bushel of hemp seed, parsnips or sea island cotton seed; forty-two pounds for a bushel of turnips; thirty-

Weight of cord of hemlock bark defined.

four pounds for a bushel of barley malt; thirty-three pounds for a bushel of dried peaches; thirty-two pounds for a bushel of oats; thirty pounds for a bushel of upland cotton seed; twenty-five pounds for a bushel of dried apples; twenty pounds for a bushel of bran or shorts; seventy pounds for a bushel of coarse salt or lime; eighty pounds for a bushel of unslacked lime, and eight pounds for a bushel of plastering hair, and two thousand two hundred and forty pounds for a cord of hemlock bark.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved April 27, 1899.

No. 348, A.] [Published May 1, 1899.

CHAPTER 283.

AN ACT to amend section 1037a of the Wisconsin statutes of 1898, relating to the place of assessment for water works.

§1 C 283 '99
§1 C 63 '01

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amending portion of section.

Ch. 283, § 1
1901, c 263

SECTION 1. Section 1037a is hereby amended by inserting after the word "municipalities" where it first occurs in twenty-fourth line, the words "or school districts" and by striking out the words "the same" after the words "belonging to" in the twenty-seventh line, and insert in place thereof the words "each such municipality and school district;" also after the words "each municipality" in the thirtieth line, insert the words "and each school district" also after the words "within its limits," in thirty-third line,

insert the words, "and the amount within the limits of each school district in such municipality;" also after the word "village" in thirty-eighth line insert the words "school district," also insert after the words "section 1038," in line fifty-one, the words, "but the property of any such person, company or corporation, being situate, owned or operated in one or more municipalities or in one or more school districts, shall be determined by the assessors of such municipalities in the same manner as hereinbefore provided in other cases, which valuation shall be carried out upon the assessment rolls of each such municipality and showing the valuation of such property in each school district, and each such municipality and school district shall be entitled to receive from the municipality and the treasurer thereof collecting and receiving a license fee from any such person, company or corporation, such proportionate share of such license fees as such valuation shall show each such municipality and school district to be entitled, the same as in the assessment and collection of taxes against other property in general," so that said section when so amended shall read as follows, to-wit: Assessment of Franchises, Poles, Pipes, Etc.—Section 1037a. The hydrants, pipes, meters and other fixtures and appurtenances used for the supply and distribution of water in connection with any water works plant not owned or operated by any municipality, all poles, wires, insulators, transformers or transmuters, meters, pipes and other property or appurtenances used in connection with any electric lighting plant not owned or operated by any municipality, and all gas pipes, meters and other property and appurtenances used in connection with any gas lighting plant not owned or operated by any municipality, together with all real estate owned or used by the person or corporation engaged in such business and necessary to the prosecution thereof, shall be deemed personal property for the purpose of taxation and shall be assessed in

Assessment of franchises, poles, pipes, etc.

the assessment district where the principal office or place of business of the person or corporation owning or operating such plant is situated, if any, otherwise in the district where the pumping station, pressure plant, generator or producing plant may be located. If any such plant be owned or operated by a person or corporation, other than the local municipality, the corporate franchises and the franchise to operate or maintain such plant, and to distribute and supply water or light, and occupy public streets, alleys or grounds with mains, pipes, poles, wires and other like property, shall be deemed personal property for the purpose of taxation, and shall be assessed together with such real estate and such other personal property in said assessment district, as a single item valued and assessed together. If any such person or corporation be carrying on any such business, or have his or its property in one or more municipalities or school districts, the assessors of such municipalities shall meet, assess all the property of such person or corporation and extend on the assessment rolls of their respective municipalities, the proportion of the assessed valuation thereof properly belonging to each such municipality and school district. The proportion shall be ascertained by the length of such mains, pipes, poles or wires, including all such as to extend into any building hydrant, light or signal, adding to the proportion allowed to each municipality and each school district, the value of any real estate so used or owned by such person or corporation within its limits, so that each municipality shall have placed upon its assessment rolls, the full assessed valuation of all the property of such person or corporation situated within its limits, and the amount within the limits of each such school district in such municipality. The treasurer of the town, city, or village containing the principal office or place of business of such person or corporation or in case there be none, then the treasurer of the town, village or city containing the pumping station, pressure plant, generator or producing plant, shall collect

Assessors to meet where property extends in two or more municipalities or school districts.

said taxes and when collected the same shall be paid over to the treasurer of any other town, village, school district, or city in the proportions hereinbefore mentioned, and such treasurer shall be liable for the money so collected as in other cases. In case of the non-payment of such taxes, the same shall be collected as personal property taxes are collected, and upon a judgment being rendered therefor and execution issued out of a court of record and returned unsatisfied, any appropriate remedy by creditor's suit or otherwise may be had, including the appointment of a receiver in a proper case. This section shall not apply to the property or franchises of any person, company or corporation engaged in the operation, management or maintenance of a street railway operated by mechanical power only, nor to the property or franchise of a person, company or corporation exclusively engaged in the manufacture or furnishing of electric light or power, nor to a plant separately operated, as to which license fees are paid as provided in subdivision 14 of section 1038, but the property of any such person, company or corporation, being situate, owned or operated in one or more municipalities or in one or more school districts, shall be determined by the assessors of such municipalities in the same manner as hereinbefore provided in other cases, which valuation shall be carried out upon the assessment rolls of each such municipality, and showing the valuation of such property in each school district, and each such municipality and school district shall be entitled to receive from the municipality and the treasurer thereof collecting and receiving a license fee from any such person, company or corporation, such proportionate share of such license fees as such valuation shall show each such municipality and school district to be entitled, the same as in the assessment and collection of taxes against other property in general. If neither the principal office, place of business, pumping station, pressure plant, generator or producing plant is

Taxes, how collected.

When section is not to apply.

License fee, when required in lieu of taxes.

in this state, but is in another state, the poles, wires, pipe or other property in this state shall be assessed and taxed as personal property, and the taxes collected as personal property taxes are collected.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved April 28, 1899.

No. 77, A.] [Published May 1, 1899.

CHAPTER 284.

AN ACT to amend section 894a and section 925d of chapter 40 of the Wisconsin statutes of 1898, entitled "of villages."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Every village a separate road district.

SECTION 1. Section 894a of the Wisconsin statutes of 1898, is hereby amended so as to read as follows: Section 894a. Every village in this state, whether such village be incorporated under general or special law or both, shall constitute a separate road district. No part of the streets or highway of any such village shall be in any road district established by the town board, nor under the control of the town officers, provided that bridges across navigable streams on town roads shall be built, maintained and repaired by the town and village jointly, the expense to be borne by each in proportion to their equalized valuation as is fixed by the county board. Provided that nothing in this section shall be construed as applying to bridges on public highways outside the platted portion of any incorporated village.

Sprinkling of streets in villages, how accomplished. Cost, how paid.

SECTION 2. Section 925d of the Wisconsin statutes of 1898, is hereby amended so as to read as follows: Section 925d. Whenever a petition shall be presented to the clerk of any village incorporated under the provisions of this act, or under the general law, praying that any street in said village, or any part of any street not less than twenty rods in length be sprinkled, signed by at least two-thirds of all owners of land abutting upon that portion of said street proposed to be sprinkled, which petition shall be verified by affidavit as to such ownership, the board of trustees of such village may provide for the sprinkling of such street or part of street for such time as they may determine. Whenever the board shall determine to sprinkle any such street, they shall levy and collect a tax upon the lots and blocks abutting that portion of such street to be sprinkled, in the manner provided in sections 919f to 919k inclusive, so far as such sections may be applicable, to defray the expenses thereof, provided that pending the levying and collection of such tax, the expense of such sprinkling may be paid from the general fund, to be re-imbursed by such special tax when collected.

SECTION 3. All acts and parts of acts, in conflict with the provisions of this act, are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 28, 1899.

No. 319, A.] [Published May 1, 1899.

CHAPTER 285.

AN ACT to amend section 4221 of the Wisconsin statutes of 1898, relating to the limitation of actions.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Limitation of actions for damages for flowage of lands.

SECTION 1. Section 4221 of the revised statutes of the state of Wisconsin of 1898, is hereby amended by adding a new subdivision thereto, to be known as subdivision 5 of said section, which said subdivision shall read as follows: Section 4221. Subdivision 5. An action for the recovery of damages for flowing lands when such lands shall have been flowed by reason of the construction or maintenance of any flooding dam or other dams constructed, used or maintained for the purpose of facilitating the driving or handling of saw logs on the Chippewa, Menomonee, or Eau Claire rivers or any tributary of either of them, provided that in cases where the ten years have already expired, the parties shall have six months from and after the passage and publication hereof within which an action may be brought.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved April 28, 1899.

No. 519, A.] [Published May 1, 1899.

CHAPTER 286.

AN ACT to create a second municipal court for Bayfield county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Court created.

SECTION 1. There is hereby created and established, in and for the county of Bayfield, a municipal court, to be known and designated as the second municipal court of Bayfield county, with the powers and jurisdiction hereinafter specified and provided.

Judge of, when to be elected; term of; vacancy, how filled

SECTION 2. On the first Tuesday in April, 1900, and every four years thereafter, there shall be elected, in the county of Bayfield, in the same manner as county judges are elected, one municipal judge, who shall hold his office for the term of four years from the first Monday in May next following his election, and until his successor is elected and qualified; and in case of vacancy occurring in the office of said municipal judge, the vacancy shall be filled by appointment by the governor, and the person appointed to fill such vacancy shall continue in office for the residue of the term for which his predecessor was elected or appointed. Such judge shall hold no other county office during the term for which he is elected.

County board to provide court room.

SECTION 3. The judge of the second municipal court of Bayfield county shall hold his office at the village of Iron River, in a suitable room for such purpose, to be provided by the board of supervisors of Bayfield county.

Jurisdiction of court.

SECTION 4. The municipal judge of the county of Bayfield shall have cognizance of, and jurisdiction to hear, try and determine all actions and proceedings at law, wherein the amount of debt, damages, demand, penalty or forfeiture shall not

exceed the sum of five hundred dollars; actions to recover the possession of personal property, with damages for the unlawful taking or detention thereof, wherein the value of the property claimed shall not exceed the sum of five hundred dollars exclusive of damages. The said judge shall have jurisdiction of all crimes and misdemeanors occurring in said county, to the same extent and as fully as justices of the peace now or may hereafter have, and shall also have jurisdiction to institute and conduct examinations in all criminal cases that may occur in said county, including bastardy. Said judge shall have power, and jurisdiction throughout said county to cause to come before him persons who are charged with committing any criminal offense, and to commit them in jail, or bind them over, as the case may require. Said judge shall further have all the jurisdiction, authority, powers and rights given by law to justices of the peace, together with the power and right, in his discretion, to charge the jury, upon written charges; and said judge shall be subject to the same prohibitions and penalties as justices of the peace. No justice of the peace within the town of Iron River shall exercise any jurisdiction in any criminal cases, but all such jurisdiction is vested in said court and the judge thereof. The proceedings and practice of said court shall, in all respects, be governed, as far as practicable, by the laws relating to justices' courts of this state, and transcripts of judgment of the municipal court may be filed and docketed with the clerk of the circuit court for said county, with the same effect as may be transcripts of judgment rendered by justices of the peace of said county, and appeals from said court in all cases, both in criminal and civil cases, and other proceedings may be taken in the same manner and with like effects as are provided by law from justices' courts. Nothing herein contained shall be construed to give the said municipal judge cognizance of any actions mentioned in subdivisions

Powers and rights of judge.

1, 2 and 3 of section 3573, of chapter 154, of the revised statutes of this state.

Limit of judgment by confession.

SECTION 5. Judgment may be rendered in said municipal court by confession for any sum not exceeding one thousand dollars, in the manner provided by the statute.

Judge may call in justice of peace in case of absence, etc.

86 C 286 '99
81 C 121 '03

Ch. 286 § 6
1903 c 121

SECTION 6. In case of sickness, absence or temporary disability of such municipal judge he may, by an order in writing to be filed in said court, appoint a justice of the peace in said county to discharge the duties of said judge during such sickness, absence or disability, who shall have the powers of such judge while administering such office.

Judge to call in a justice when affidavit of prejudice is filed.

87 C 286 '99
81 C 330 '03

87 C 286 '99
82 C 121 '03

Ch. 286 § 7
1903 c 121
1903 c 330

SECTION 7. No action, examination or other proceeding shall be removed from said court, but whenever it shall appear by affidavit that the municipal judge is interested pecuniarily in the action, examination or other proceeding, or that said judge is a material witness, or is within the forbidden degree of consanguinity, or from prejudice will not decide impartially in the matter, and the matter of proceeding is one of which a justice of the peace has jurisdiction, the municipal judge shall notify a justice of the peace in the county of Bayfield, not disqualified to try said case, or hear said examination or other proceeding, as the case may be, in matters or proceedings of which a justice of the peace has no jurisdiction when such affidavit is filed, the municipal judge shall transfer the same to the circuit court of Bayfield county, which circuit court shall thereupon have jurisdiction to hear, try and determine the same in the same manner, and with like effect as if such action or proceeding had been commenced in said circuit court, whereupon it shall be the duty of said justice so notified as aforesaid to forthwith appear at the court room of said municipal court, and to discharge the duties of judge of said municipal court on trial of said case, or the hearing of said examination, or other proceedings, in the same manner and with like effect as said municipal judge would,

if not disqualified to act; and the doings of said justice of the peace while so presiding over said municipal court shall have and be of the same force and effect as proceedings of said municipal judge, and when such action, examination or other proceeding is concluded a like record, as in other like cases, shall be made in said court, and thereafter and thereupon execution may be issued as in other cases tried before said municipal judge. Said justice of the peace, while presiding over said municipal court, shall receive the same fees as are allowed by law to said municipal judge for like service.

Judge granted powers of court commissioner.

SECTION 8. The said municipal judge of Bayfield county shall have and may exercise in his county, all the powers and perform all the duties of a court commissioner as defined in section 2434, of the statutes of 1898; and every authority granted to, or limitation of the powers of the court commissioner by the laws of Wisconsin, shall be construed to extend to the said municipal judge acting in such capacity, except when otherwise expressly provided. The official designation of said officer in matters where he shall so act shall be "municipal judge of Bayfield county."

Change of venue from justice courts.

SECTION 9. Whenever any civil action shall be removed from any justice of the peace in the town of Iron River upon the oath of said defendant, his agent or attorney, according to the provisions of law for such removal, if said defendant, his agent or attorney requests in writing to such justice that the action be removed to said municipal court, then the action and all papers therein shall be transmitted to the presiding judge thereof, who shall proceed with the action in the same manner as if originally instituted before him.

Trial by jury.

SECTION 10. Trial by jury may be had in said court in the same manner and process as in justices' courts.

SECTION 11. Sheriffs and constables of Bayfield county shall have the same power to serve

and execute process of this court as of justices' courts, and shall be entitled to receive the same fees as in justices' courts, and the police officers of the town of Iron River shall have the power to serve and execute processes of this court within the town of Iron River; provded, that such police officers shall receive no fees or compensation for such services.

Power of sheriff and police to serve process.

SECTION 12. The judge of the said court shall keep one docket for criminal trials and proceedings, and a separate docket for civil actions, and all docket entries and process shall be made and kept in the same manner, as far as is applicable to this court, as the same are required to be kept by justices of the peace under the laws of this state; provided, always, that the municipal judge may, in civil actions, sign, in blank, summons, writs and other process and deliver the same to attorneys of court of record, to be issued by them, who, upon issuing any such summons, writ or other process, shall file within twenty-four hours thereafter the affidavit (if any) upon which such summons, writ or process was based, and a statement of the names of the parties to the action, the date of the summons, writ or process, the time when the same is returnable, and the nature of the demand or claim, upon which the said judge shall forthwith docket said case, which docket entries shall have the same force and effect as if made at the time of issuing the summons, writ or other process.

Judge to keep separate civil and criminal dockets.

Issuing of summons, etc.

SECTION 13. The municipal judge shall have and receive the same fees in all civil actions that are now allowed by law to justices of the peace for every civil action or proceeding of his court. And for his services in conducting criminal trials and examinations he shall receive a salary of three hundred dollars per year for the first term, payable quarterly at the end of each quarter, out of the county treasury of said county; and thereafter his salary shall be fixed by the county board at not less than three hundred dollars per annum, but in all criminal actions and

Fees and salary of judge.

proceedings he shall tax the same fees as justices of the peace are allowed by law to tax, and if the defendant in such suit or action is convicted, insert the amount of such fees in the entry of judgment against such defendant, and if paid by said defendant return the amount thereof, with the fine paid or collected, to the county treasurer of said county.

Jurisdiction of court to try actions under chapter 145.

SECTION 14. Said court shall have jurisdiction to hear, try and determine all actions arising under chapter 145, of the revised statutes, when the amount claimed shall not exceed five hundred dollars.

§15 C 286 '99
§3 C 121 '03

Ch. 286 § 15
1903 c 121 § 3

Jurisdiction to try appeals from justice courts.

SECTION 15. Said court shall have jurisdiction to try and determine all appeals in civil actions from justices of the peace of the town of Iron River in said county; provided, that in civil cases, appealable from the justices' judgments, the party appealing may, in his option, appeal to the circuit court in Bayfield county, instead of to said municipal court. And all such cases shall be certified and returned to said municipal court within ten days after the perfection of the appeal. Any action appealed to said court may be brought on for trial upon notice of ten days given by either party to the other. In case neither party shall notice such appeal, or bring the same to trial within six months, the appeal shall be dismissed with ten dollars' costs against the appellant. Appeals shall be made to such court in the same manner that they are now made from justice to circuit court.

§16a C 286 '99
New §
§4 C 121 '03

Ch. 286 § 16a
1903 c 121 § 4
New Sec.

Fee of judge in appeal cases.

SECTION 16. In appealed cases tried and determined in said court upon the record of the court below, or any questions of law or fact appearing in such record, the judge of such court shall be entitled to receive the sum of ten dollars, and no more, as and for his fees, and the prevailing party in appealed cases shall be entitled to recover the sum of five dollars attorneys' fees.

Judge to provide seal.

SECTION 17. The municipal judge may provide a seal for said court, and all papers, depositions, certificates, acknowledgments, examina-

tions and other documents executed or signed by said judge, when sealed with the seal of the court, shall be evidence in all courts and places in this state, and shall have the same effect as the seal of a court of record.

Appeals from court to be taken to circuit court.

SECTION 18. Appeals from said municipal court shall be taken to the circuit court for Bayfield county, and when not otherwise provided, the law relating to appeals from justices' courts shall apply. The same affidavit and notice, in substance, shall be made and given as upon appeal from justices' court.

Dockets made public records.

SECTION 19. The dockets and records of said municipal court shall be public records, open to the inspection of all persons at every reasonable hour.

Attorneys' fees.

SECTION 20. In all actions in the municipal court for the county of Bayfield attorneys' fees shall be taxed and allowed as provided in sub-division 4, of section 3775, of the revised statutes.

Notice of election of judge, how given.

SECTION 21. The county clerk of Bayfield county shall give the same notice of the election of said judge, as in other judicial elections.

Stationery and blanks to be furnished by county.

SECTION 22. All needful stationery and all blanks required by said court in civil and criminal actions and examinations, and judge's dockets required by law, shall be furnished at the expense of Bayfield county.

Phonographic reporter to be appointed in action when district attorney requests it. Fees of reporter.

SECTION 23. Whenever the district attorney of Bayfield county or his duly authorized representative shall desire and request it in writing, a stenographic or shorthand reporter shall be appointed by the judge of said court to take in shorthand the evidence in such action or criminal examination and shall transcribe same into long hand and file a copy thereof with said court, within ten days after such trial or hearing. That the compensation of such stenographic or shorthand reporter shall be four dollars for each day or part of a day and ten cents per folio for transcribing such evidence and shall furnish a duplicate copy of the same to the district attorney, without charge, when requested by him. The

compensation of said stenographer or shorthand reporter shall be paid out of the county treasury in manner and form as other claims and charges against Bayfield county are audited and paid.

Governor to appoint first judge.

SECTION 24. Within sixty days after the passage of this act, the governor shall appoint some suitable resident elector of the town of Iron River judge of said court, who shall hold the office until the first Tuesday of May 1900 or until his successor is elected and qualified.

SECTION 25. This act shall take effect and be in force, from and after its passage and publication.

Approved April 28, 1899.

No. 203, A.] [Published May 1, 1899.

CHAPTER 287.

AN ACT to amend subdivision 113 of section 925 of the Wisconsin statutes of 1898, relating to cities.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Cities under general law. Board of education in.

SECTION 1. Subdivision 113 of section 925 of the Wisconsin statutes of 1898, is hereby amended so as to read as follows: Subdivision 113. In every city or village which shall adopt this chapter for its government, or shall have become newly organized under it by reason of the provisions of section 925g, Wisconsin statutes of 1898, if there shall be or shall have been at the time of such adoption, a board of education or school board elected by the people under the provisions of its charter, or the school district system is in force, and in all cases of such cities or

villages which have heretofore adopted the provisions of this act, or become newly organized as aforesaid, and which shall have continued to act under the old school district or school board system, the election and organization, powers and duties of such board shall not be affected by this chapter; and such system shall continue until changed by a vote of the electors of such school district, provided that whenever such school district shall embrace within its limits a portion of the township outside of the limits of such city or village, the said school district shall thereafter constitute a joint school district of such city and township until changed by a vote of the electors of such joint school district. In all other cities governed by this chapter, the board of education shall consist of one commissioner from each ward and three from the city at large, to be appointed by the mayor and confirmed by the common council, or elected by the council if determined by ordinance. The mayor, in appointing, or council in electing the first board, shall divide the members into three classes, as nearly equal as may be, one of the commissioners at large being in each class, and shall appoint those of one class for one year, those of another class for two years, and those of the remaining class for three years. Each commissioner shall hold his office for the term designated in such classification, and until his successor shall have qualified. Thereafter, all commissioners shall be appointed or elected, and hold their offices for three years, and until their successors shall have qualified.

Members of board divided into three classes.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved April 28, 1899.

No. 456, A.] [Published May 1, 1899.

CHAPTER 288.

AN ACT providing for the organization of corporations for the improvement of streams, and the construction of canals for navigation purposes, and granting to such corporations additional powers to those granted by chapter 85 of the Wisconsin statutes of 1898.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Formation of canal companies, how effected.

SECTION 1. Any number of adult residents of the state of Wisconsin, not less than five, may form a corporation in the manner provided in chapter 86 of the Wisconsin statutes of 1898, for the improvement, for purposes of navigation, of any stream in this state not used for logging purposes, and connecting two navigable water-ways lying wholly within the state, and not navigable throughout the distance to be improved during the season of navigation prior to the organization of such corporation, by machinery propelled water craft at least thirty feet in length, with at least seven feet beam, and having a draft of at least thirty inches; and for the construction of any canal, as a part of the improvement of such stream, or as connecting such stream with a navigable water-way, or as connecting two navigable water-ways lying wholly within the state; together with such other improvements as may be necessary to render such improvement or canal available for navigation in conjunction with such available water-ways by water craft of the dimensions and draft hereinbefore designated.

Additional powers granted.

SECTION 2. Every corporation formed as provided in the preceding section, shall in addition to the powers conferred on corporations by chap-

ter 85 of the Wisconsin statutes of 1898, have power:

1. To cause such examination and surveys for its proposed improvement of any stream or canal to be made as may be necessary to the selection of the most advantageous route, and for such purposes by its officers or agents and servants to enter upon the lands and waters of any person, but subject to responsibility for all damage which shall be done thereto.

Entry on lands in surveying.

2. To take and hold such voluntary grants of real estate and other property as may be made to it, to aid in the construction, maintenance and accommodation of its improvement of any stream or any canal. But the real estate received by voluntary grant shall be held and used for such purposes only.

Grants of real estate.

3. To acquire by purchase or condemnation proceedings, such real estate and water-ways not navigable as hereinbefore designated, and such other property as may be necessary, for the construction, maintenance and operation of such improvement or such canal, and of the locks, dams, spill-ways, buildings and other fixtures reasonably necessary to accomplish the objects of its incorporation. The right to acquire property by condemnation proceedings, shall be exercised in the same manner and by like special proceedings as are now or hereafter may be prescribed by law for so acquiring real estate by railroad corporations; provided that such corporation shall not acquire any property by condemnation proceedings until at least three-fourths of the owners of the property over which such right-of-way is proposed to be located, shall have consented, in writing, to the location and construction of such improvement or canal; and provided that no such improvement or canal shall be so constructed as to separate the buildings on any farm, or separate such buildings from the nearest highway, except with the consent of the owner of such farm, or unless such improvement follows the course of the stream to be improved.

Must acquire three-fourths of right of way before property can be secured by condemnation.

May purchase state lands.

4. The commissioners of public lands may grant to any such corporation, any land owned by the state which may be necessary for the purpose of such improvement or canal upon such terms and for such compensation as they may fix.

Dimensions of right of way and canal.

5. To lay out its right-of-way or route for such improvement or canal, not exceeding one hundred feet in width, and to locate such improvement or canal upon such right-of-way or route as it may deem most convenient and advantageous in the construction, maintenance and operation thereof; and to deepen, straighten and enlarge such stream, and to excavate and construct such improvement or canal, not less than twenty-five feet wide at the water level, with such alignment and graduation as such corporation shall think proper, and to construct all necessary locks, dams, spill-ways, roadways, docks, piers, wharves, buildings and other fixtures and appurtenances thereto for the purpose of constructing, maintaining and operating such improvement or canal.

Entry on lands.

6. To enter upon lands immediately adjacent to such right-of-way, when necessary for the purpose of giving such direction to rivulets, water courses and drains running into such improvement or canal, as will protect such improvement or canal, subject to responsibility for all damage done thereby.

Lowering of lakes and flowage of lands.

7. To confine the waters of such streams to the channel of such improvement and to construct such dams, locks and spill-ways as may be necessary to maintain the proper stage of water in such improved stream or canal, provided that any such lock, dam or spill-way shall be so constructed, that the water in such lake or pond shall not be varied more than twelve inches from the mean annual-level of such lake or pond. Any person whose land may be overflowed or otherwise injured from the construction and maintenance of any such dam and spill-way, may obtain compensation for such damage in a civil action

as provided in chapter 146 of the Wisconsin statutes of 1898 for the recovery of damages for land overflowed or otherwise injured by any mill dam.

Construction and maintenance of bridges over canal.

8. To construct such improvement or canal across or under any highway which its route shall intersect, provided that such corporation shall construct, at the place of crossing such highway, a suitable bridge over such improvement or canal, with safe and suitable approaches to such bridge on a grade not exceeding a three per cent. grade. Such bridge to be constructed with suitable stone abutments and with metal girders, and to be constructed as a stationary span bridge, unless it is agreed between such corporation and the public officers having charge of the highway so intersected, that it shall be constructed as a draw bridge. And upon the construction of such bridge and approaches, the same shall become the property of the town or village wherein said bridge is located. But said corporation shall thereafter be charged with the maintenance of said bridge and the approaches thereto, and if said bridge is constructed as a draw bridge, said corporation shall furnish proper bridge tenders through the season of navigation, and pay all the expense of operating such bridge. Such corporation shall also construct and maintain a suitable bridge for the use of any owner of property through which such improvement or canal shall be constructed, whenever the construction of such improvement or canal through any person's land shall interfere with the customary use of such land by the owner. Whenever required by the owner of lands adjacent to such right-of-way, such corporation shall build and maintain a line fence between such right-of-way and such adjacent property, such line fence to be so constructed as to be a legal fence within the requirements of the laws of the state.

Company's power over canal, rates of toll.

9. To have full power to control and regulate the use of said canal, to prescribe rules and regulations determining the style of the craft, and

the speed, load and draft of all craft passing over or through said improvement, canal or locks connected therewith; to impose such rules, regulations and restrictions as may be necessary for the safe passage of craft thereon; and for the protection of its improvement, canals, locks, dams, spill-ways, wharves, piers and other property; to demand and receive toll not exceeding the following rates: For passing through any lock, for any rowboat, twenty-five cents and for each person thereon, five cents; for any boat propelled by sails or machinery, fifty cents, and for each person thereon, five cents. To take and convey persons or property over or through such improvement or canal, or locks connected therewith, by means of any power, which such corporation may deem best adapted to such purpose, and to receive compensation therefor. And such corporation shall have full power to license boats for the transportation of passengers or freight for hire over or through such improvement, canal or locks connected therewith. But no person or corporation, other than the corporation controlling such improvement or canal, or persons or corporations licensed by such corporation shall have the right to transport passengers or freight for hire over or through such improvement, canal or any locks connected therewith; and such corporation may close the said improvement, canals and locks against and detain and prevent from passing through such improvement, canal or locks connected therewith, any and all persons refusing or neglecting to comply with the regulations so imposed, or to pay the tolls as established by said corporation.

May license boats for transportation purposes.

§10 C 288 '01
§1 C 143 '03

Persons may use canal on payment of toll.

10. Every person shall have the right to use such improvement or canal for himself and his family, subject only to the payment of such reasonable toll, and such reasonable rules and regulations as may be prescribed as hereinbefore provided.

Company may revoke license.

11. To revoke the license of any person or corporation licensed by such corporation to trans-

port passengers or freight for hire, over or through such improvement, canal or locks connected therewith, whenever the person or corporation so licensed shall refuse or neglect to obey the rules, regulations and restrictions prescribed by such corporation.

Digging of ditches from canal.

SECTION 3. No person shall under any pretense or authority whatever, except with permission in writing, from the board of directors of such corporation, dig or construct, or cause to be dug or constructed, any drain, or remove or deposit or cause to be removed or deposited, earth, sand gravel or other material so that the effect of such drain or the removal of such earth, sand, gravel or other material as aforesaid will be to cause earth, sand, gravel or other material to be washed into any improvement, canal or slack water pool, or the right-of-way belonging to such corporation.

Survey when filed to be presumptive evidence of facts contained therein.

SECTION 4. Whenever such corporation shall have procured all the lands necessary to be used for the construction of its improvement or canal or canals in any town, it shall cause an accurate survey of such improvement or canal to be made and certified to as a correct and accurate survey by the engineer making the survey, showing the exact location, the courses and directions of the stream to be improved, and the depth of such unimproved stream, and the courses and directions of the proposed improvement, and the proposed canal or canals and showing the boundaries of the right-of-way so secured by said corporation, to be signed by its president and secretary, and acknowledged by them as conveyances of real estate are required to be acknowledged and recorded in the office of the register of deeds of such county. And such survey shall be received in evidence without further proof thereof, as presumptive evidence of the facts therein stated.

Penalty for injuring or destroying canal property.

SECTION 5. If any person shall unlawfully or knowingly injure or destroy any part or portion of the said improvement or canal, or any works, buildings or machinery attached to or in use

upon the same belonging to said corporation, or shall unlawfully and maliciously place any obstruction or thing in the channel or way of such improvement or canal, such person or persons so offending shall, each of them, for every offense, forfeit and pay to such corporation the sum of twenty-five dollars, and in addition to such forfeit, such person or persons shall, each of them, for each and every such offense, forfeit and pay to such corporation, the amount of damages caused by such offense, which may be recovered in any court of competent jurisdiction.

Life imprisonment, when.

SECTION 6. Any person who shall unlawfully and maliciously place any obstruction in the channel of any stream or canal, improved or constructed for navigation purposes, whereby the death of any person shall be caused, shall be punished by imprisonment in the state prison during life.

SECTION 7. This act shall take effect and be in force, from and after its passage and publication.

Approved April 28, 1899.

No. 527, A.] [Published May 1, 1899.

CHAPTER 289.

AN ACT to amend section 1409g, of the Wisconsin statutes of 1898, relating to the sale of drugs etc. by unlicensed persons.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

"Usual domestic remedies" construed.

SECTION 1. Section 1409g, of the Wisconsin statutes of 1898, is hereby amended by adding at the end of said section the following: "The term 'usual domestic remedies,' referred to in said sec-

tion, is hereby construed to include alum, ammonia, borax, bay rum, castor oil, camphor spirits, camphor gum, copperas, glycerine, epsom salts, glauber salts, rochelle salts, fennel seed, indigo, magnesia, potash, senna leaves, sulphur, vaseline, insect powder, resin, turpentine, and blue vitrol. Poisonous drugs or medicines, such as rough on rats, carbolic acid, aconite, laudanum, paregoric and spirits of nitre may be sold by general stores in sealed packages only; said package to be properly labeled by a registered pharmacist of Wisconsin. The label shall have the name of a registered pharmacist thereon, and the words 'Registered Pharmacist of Wisconsin, Certificate No. ——.' with the proper directions for the use thereof. The sale of these articles put up by wholesale druggists or manufacturers, not registered pharmacists of Wisconsin, is not legal under this act."

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved April 28, 1899.

No. 209, A.] [Published May 1, 1899.

CHAPTER 290.

AN ACT to amend section 169b, of the Wisconsin statutes of 1898 relating to employment of additional help and workmen for the several departments.

§1 C 290 '99
§5 C 418 '01
§1 C 419 '01

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 169b of the Wisconsin statutes of 1898 is hereby amended by striking

Employes in governor's office.

Ch. 290, § 1
1901 c 418 § 5
1901 c 419

out all of said section and inserting in lieu thereof the following: Section 169b. The governor is authorized to employ, for his office, one stenographer and one messenger, and such additional help as he may from time to time deem necessary, and fix their compensation; and the superintendent of public property is authorized, by and with the approval of the governor, to employ such extra help in and about the capitol and public grounds as may be necessary to the discharge of his duties in keeping the same in a proper state of cleanliness and repair, and fix their compensation. Provided, that the compensation so fixed by said superintendent shall not exceed the amount now fixed by law for similar service, and that the total amount expended for such purpose in any one year shall not exceed nine thousand dollars.

Employes for capitol and grounds

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved April 28, 1899.

No. 532, A.] [Published May 1, 1899.

CHAPTER 291.

C 291 '99
See
C 405 '01

AN ACT to amend section 121 of the Wisconsin statutes of 1898, relating to the distribution of blue books.

Ch. 291
See 1901 c 405

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

81 C 291 '99
81 C 382 '03

Number of, to legislature and state officers increased.

SECTION 1. Section 121 of the Wisconsin statutes of 1898, is hereby amended by striking out the words, "one hundred twenty-five" where they occur in the fourth line thereof and inserting the words "two hundred," so that said section when

Ch. 291 § 1
c 382

amended will read as follows: Section 121. The secretary of state shall cause to be printed a sufficient number of copies of the blue book to make the distribution herein provided for: To each member of the legislature and each elective state officer, two hundred copies; the secretary of state shall in addition to the number alloted to him under the provisions of this act, receive three hundred copies for exchange with other states, and to supply public libraries of other states; to the chief clerk and the sergeant-at-arms of each house, fifty copies each, and the assistant of each, ten copies; to the journal clerk, the book-keeper and assistant of the latter in each house, five copies, and to each of the other clerks and employees whose names appear in said book, and to newspaper reporters in regular attendance on the legislature, one copy each. To each judge or justice of a court of record in this state, including the judges of United States courts sitting therein, one copy; to the clerk of the supreme court and to the clerk of each such United States court, one copy each. To each member of every state board, to the senators and representatives in congress and to the members-elect as such, the state horticultural society, the state dairymen's association, the academy of arts and sciences, the home office of the Wisconsin humane society, the state university, each college, normal school, academy, free high school, free public library in the state, and each of the penal, charitable and reformatory institutions of the state one copy. To the county clerks and county superintendents of schools, one copy each, which shall be delivered to their successors in office. To the state historical society and the state library, fifty copies each. To the adjutant-general, for the use of the national guard, fifty copies. To the state superintendent, who shall distribute the same to the county and city superintendents of schools, a sufficient number to supply each school district with one copy, which shall be the property of the district thus supplied and shall be kept in the

Blue books for each school district.

school house to be used as other reference books. To the secretary of state, who shall deliver them to the superintendent of public property at the opening of each regular session of the legislature one hundred and thirty-seven copies, which shall then be by said superintendent distributed to the members and elective officers thereof. One copy of such blue book for each justice of the supreme court, state officer, each member and elective officer of the legislature, each senator and member of congress, newspaper reporter in regular attendance upon the legislature, assistant clerk and assistant sergeant-at-arms shall be bound in half morocco and be lettered with the name of the person entitled to receive it. The copies delivered to public libraries, county clerks and county superintendents shall be for the use of all persons desiring to use the same. The expense of preparing and publishing such blue book, other than such as is covered by contract with the state printer, shall be fixed by the secretary of state and paid out of the state treasury.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved April 28, 1899.

No. 354, S.] [Published May 1, 1899.

CHAPTER 292.

AN ACT relating to the terms of contracts to be made and bonds to be given by contractors erecting or repairing the buildings of the state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Contractors on state work to give bonds.

SECTION 1. All contracts hereafter let for the erection, construction, equipment, repairs, protection or removal of any building of the state shall contain a provision for the payment by the contractor of all claims for labor and material, and no contract shall hereafter be let for the erection, construction, equipment, repairs, protection or removal of any building of the state, unless the contractor shall give a good and sufficient bond, to be approved by the governor, conditioned for the faithful performance of the contract, and the payment of all the claims for work or labor performed, and material furnished in and about the erection, construction, equipment, repairs protection or removal of such building to each and every person entitled thereto.

Sub-contractors may recover from sureties on contractor's bond.

82 C 292 '01 repealed 81 C 112 '08

SECTION 2. Any party in interest may maintain an action in his own name against such contractor and the sureties upon such bond required by section 1 of this act for the recovery of any damages he may have sustained by reason of the failure, refusal or neglect of said contractor to comply with the terms of said contract or any of the terms and conditions of the contract between said contractor and sub-contractors.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 28, 1899.

No. 357, S.] [Published May 1, 1899.

CHAPTER 293.

AN ACT to set aside certain state land to the Wisconsin military reservation.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Forty acres set aside.

SECTION 1. The commissioners of the public lands are hereby authorized and directed to withdraw from sale the northwest quarter of the north-east quarter of section twenty-one (21), township seventeen (17), north, of range two (2), east, and to set aside said land for the perpetual use of the Wisconsin military reservation.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 28, 1899.

No. 38, S.] [Published May 1, 1899.

CHAPTER 294.

AN ACT to appropriate certain sums of money therein named to the several charitable, penal and reformatory institutions of the state for the purposes therein mentioned.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amount and purposes of appropriation.

SECTION 1. There is hereby appropriated out of the general fund of the state treasury not otherwise appropriated to the several and char-

itable and penal institutions of the state the sums hereinafter mentioned: to the Wisconsin state hospital for the insane, for the erection of a coal carrier, one thousand five hundred dollars, and for laundry machinery two thousand two hundred dollars; to the northern hospital for the insane for a steel tank for water tower one thousand two hundred dollars, for a filter for lake water, nine hundred dollars, and for new bath rooms and alterations to buildings ten thousand dollars; to the industrial school for boys for rewiring buildings three thousand dollars, for front and farm fences two thousand dollars, and for cottage lavatories one thousand dollars; to the Wisconsin state prison for cement floors in corridors of cell wings one thousand five hundred dollars; for extension for dining room four thousand dollars, for library six hundred dollars, and for two new boilers and furnaces three thousand dollars; to the Wisconsin home for feeble-minded for new buildings, equipment and supervision one hundred and fifty-eight thousand dollars, and for duplicate engine and dynamo three thousand dollars; to the Wisconsin state reformatory, to continue the erection and furnishing of reformatory buildings one hundred and fifty thousand dollars.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 28, 1899.

No. 279, S.] [Published May 1, 1899.

CHAPTER 295.

AN ACT to authorize the governor to make a settlement of the war claims of Wisconsin against the federal government and to provide an appropriation therefor.

Preamble.

Whereas, there is now pending settlement the claim of the state of Wisconsin against the United States for reimbursement for expenses incurred in supplying troops and equipment for the preservation of the Union between 1861 and 1865; and

Preamble.

Whereas, the only obstacle to the consideration of the claim by the court of claims is likely to be removed by a bill which has already passed the United States senate and is now before the house of representatives; and

Preamble.

Whereas, the passage of said bill will make it possible for the state to secure at least a portion of the large sums expended for war purposes during the war of the rebellion.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Governor authorized to settle civil war claims.

SECTION 1. The governor of the state is hereby authorized to take such steps as are necessary to bring about an adjudication or settlement of the claims of the state of Wisconsin against the United States for money expended for war purposes between the years 1861 and 1865.

SECTION 2. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, a sum sufficient to carry out the purposes of this act.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 28, 1899.

No. 341, S.] [Published May 1, 1899.

CHAPTER 296.

Ch. 296
1903, c 61

AN ACT substituting a fixed cash appropriation for the percentage tax levies heretofore authorized by the laws of 1895 and 1897, for the construction of the state historical library building and making an additional appropriation for completing the construction of said building, except the northwest wing, and for equipping and furnishing the same, ready for occupancy.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The appropriations for the construction of the state historical library building, made by section 5, chapter 298, laws of Wisconsin for 1895, and by section 1 of chapter 237, laws of Wisconsin for 1897, are hereby repealed except as to the appropriations therein made which became payable from the taxes of 1897 and 1898, and which have already been collected and paid. In lieu of the appropriations previously made by said chapter 298, laws for 1895, and chapter 237, laws for 1897, except so far as the same have already been collected and paid for the years 1897 and 1898, and for the purpose of completing the construction of said library building, except the now unconstructed northwest wing, and for the further purpose of equipping and furnishing the said building, there is hereby appropriated to the board of building commissioners created by said chapter 298, laws for 1895, from any moneys in the general fund of the state treasury not otherwise appropriated, the sum of five hundred thousand dollars. This amount shall be payable to the said board of building commissioners as follows: One hundred thousand dollars thereof in

Tax levies repealed.

Specific appropriation substituted.

When payable.

the year 1899; one hundred thousand dollars thereof in the year 1900; one hundred thousand dollars thereof in the year 1901; one hundred thousand dollars thereof in the year 1902; and one hundred thousand dollars thereof in the year 1903, the same to be paid by the state treasurer as above specified on warrants drawn by the secretary of state in accordance with the provisions of section 2 of said chapter 298 of the laws of 1895, provided, however, that not more than three hundred thousand dollars of the moneys to be used in the completion of the construction, equipment and furnishing of said library building shall be paid out until the board of building commissioners aforesaid shall have first let the contracts for fully constructing, equipping and furnishing the said historical library building, except the now unconstructed northwest wing. Such contracts to be within the amount of this appropriation, and to be accompanied by good and sufficient bonds for the faithful performance thereof, to be approved as to form and sufficiency by the governor.

Governor to approve bonds of contractor.

Board of building commissioners authorized to borrow.

SECTION 2. To enable the board of building commissioners aforesaid, to expedite the completion of the construction, equipment and furnishing of said library building, they are hereby authorized to borrow the moneys necessary therefor, to the extent only of the appropriation made by section one of this act, from the trust funds of the state; and the commissioners of the public lands of the state are hereby authorized to lend the same to said board of building commissioners, at the minimum rate of interest prescribed by law for the loan of said trust funds, such loans to be payable at the times the appropriations made by section one of this act are payable, and to be paid from such appropriations. For all loans provided for in this section, the acting president and secretary of said board of building commissioners, shall execute officially to the commissioners of the public lands, certificates of indebtedness in the form prescribed by

the attorney general of the state, which shall as they mature, be paid from the appropriations made in section one of this act.

Appropriation for maintenance of library building. | 83 C 296 '99 81 C 61 '03

SECTION 3. Paragraph 8 of section 376 of the Wisconsin statutes of 1898, is hereby amended by inserting after the word "duties" in the third printed line thereof, the words "and for heating, lighting and otherwise maintaining the state historical library building" so that said paragraph when amended shall read as follows: "8. To keep its rooms open at all reasonable hours on business days for the reception of the citizens of this state who may wish to visit the same, without fee.

And for the purpose of aiding in the performance of said duties, and for heating, lighting and otherwise maintaining the state historical library building there is hereby annually appropriated to said society, from and after the time it shall remove to and occupy its new building, fifteen thousand dollars, and until its shall remove and occupy the same there is hereby annually apropriated to said society five thousand dollars. The executive committee of said society shall keep a correct account of the manner of expenditure of the money hereby appropriated, and report annually to the governor a detailed statement of such expenditure.

SECTION 4. All laws of the state contravening, or inconsistent with the provisions of this act, are hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 28, 1899.

No. 126, S.] [Published May 1, 1899.

CHAPTER 297.

AN ACT to provide for the payment of the necessary traveling expenses of the assistant state superintendent and of the library clerk in the office of the state superintendent, and for the appointment of a mailing clerk in the office of the state superintendent and making an appropriation therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

State superintendent to approve all traveling expense accounts.

81 C 297 '99
81 C 282 '03

Ch. 297 § 1
1903 c 282

SECTION 1. The assistant state superintendent shall be reimbursed the expenses actually incurred by him in the performance of his duties when the accounts for such expenses are approved by the state superintendent.

SECTION 2. The library clerk shall be reimbursed the expenses actually incurred by him in the performance of his duties when the accounts for such expenses are approved by the state superintendent.

May appoint mailing clerk.

SECTION 3. The state superintendent may appoint under his hand a mailing clerk, who shall receive an annual salary of one thousand dollars.

SECTION 4. All acts and parts of acts conflicting with the provisions of this act are hereby repealed in so far as they so conflict.

SECTION 5. There is hereby appropriated out of any money in the state treasury not otherwise appropriated a sufficient sum to carry out the provisions of this act.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved April 28, 1899.

No. 301, S.] [Published May 1, 1899.

CHAPTER 298.

AN ACT relating to kindergartens.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. A new section is added hereby to the statutes of 1898, to be numbered and to read as follows: section 430(c.) In any school district under the supervision of the county superintendent in which a high school or a graded school having more than two departments is maintained, the question of establishing and maintaining by the levy of a tax therefor as many kindergartens as will be required to accommodate the children of such district between the ages of four and six years, allowing forty pupils to each kindergarten, may be submitted at the annual meeting to the legal voters present and a vote taken thereon as in the case of a vote on free text books.

Question of conducting kindergarten may be submitted to vote.

SECTION 2. A new section is added hereby to the statutes of 1898 to be numbered and to read as follows: 430(d). The board of education in any city of the third or fourth class whether organized under the general law or special charter, at the time of certifying to the city clerk its yearly estimate of the expenses of the public schools under its charge, shall certify also separately an estimate of the cost for the school year of as many kindergartens as will in their judgment be required for the accommodation of the children of said city between the ages of four and six years. The council shall take action thereon. If the whole or a part of the estimate be approved, the council shall make an appropriation of the amount approved by them for that purpose, which shall be in addition to the other funds ap-

Board of education to certify expense of kindergarten to council.

propriated for school purposes and shall be used only for the support of such kindergartens.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 28, 1899.

No. 327, S.] [Published May 1, 1899.

CHAPTER 299.

Ch. 299 See 1901 c 158.

AN ACT to amend section 170 on pages 261 and 262 of Wisconsin statutes of 1898, relating to salaries of employes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Salary of clerk increased.

SECTION 1. Paragraph 9 of page 262 of the Wisconsin statutes of 1898 is hereby amended by striking out the words "one thousand" where they occur in said paragraph and inserting in lieu thereof the words "twelve hundred" so that said paragraph when so amended shall read as follows: "A clerk in the office of bank examiner, fifteen hundred dollars; a clerk and stenographer in the office of the bank examiner, twelve hundred dollars."

Scrub women to receive $1.25 per day.

SECTION 2. Paragraph 1 on page 261 of the Wisconsin statutes of 1898, is hereby amended by adding the words "and twenty-five cents" after the word "dollar" in line 6 on said page 261, so that the same when amended shall read as follows: "five scrub women at one dollar and twenty-five cents per day for the time during which they are employed."

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 28, 1899.

No. 321, S.] [Published May 2, 1899.

CHAPTER 300.*

AN ACT to provide for the sale or other disposition of future contingent interests in lands.

Ch. 300
See 1899, c342
§ 1

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Any real estate or interest therein which may at any time in the future be owned or possessed by any after born child or by any person, whether in being or not, known or unknown, who shall or may become interested therein under and by virtue of any deed or other instrument, or by any last will and testament, may be sold, mortgaged, leased or otherwise disposed of as hereinafter provided.

Future contingent interest may be sold, etc.

SECTION 2. The application for such sale or other dsposition may be made to the circuit, county or superior court of the county in which such real estate or some part or interest therein is situated, or to the circuit judge in vacation, by the petition of any one or more of the parties having any title to or interest in said lands, who are living at the time of such petition. If any of the petitioners are infants, the said petition shall be signed by the general guardian of such infants. Such petition must be verified, and must set forth the facts which would authorize the selling, mortgaging, leasing or otherwise disposing of such real estate or some part thereof or interest therein, for one or more of the reasons set forth in section 3503 of the statutes of 1898 for the sale or other disposition of the real estate or interests therein of infants. Such lands or interests therein shall be sold, mortgaged, leased or otherwise disposed of in such manner as will best promote the interests of those concerned,

Application for sale, how made.

*See chapter 342, laws of 1899.

whether in being or not, and whether their interests are present or contingent.

Court to appoint referee, referee to give bond.

SECTION 3. Upon such application being made the said court or circuit judge must appoint some suitable person as referee, to whom and under whose direction the sale, mortgaging, leasing or other disposition of said lands or interest shall be made, which said referee shall give a bond to the clerk of the court in which such proceedings shall be commenced, in such amount, with such sureties and in such form as the said circuit, county or superior court or circuit judge shall direct, conditioned for the faithful performance of the trust reposed, for paying over, investing or accounting for all moneys that shall be received by such referee according to the order of any court having authority to give directions in the premises and for observance of the directions of the court in relation to the said matter.

Court to examine into merits of application.

SECTION 4. Upon the presentation of said petition and the filing of such bond, either such court or the circuit judge may proceed in a summary manner to inquire into the merits of such application, or make an order referring it to some suitable person as referee to inquire into and report upon the matters contained in such petition, whose duty it shall be to examine into the truth of the representations made, to hear the parties interested in the property or otherwise interested in the application, and report thereupon with all convenient speed.

Court to make order for disposition of interest.

SECTION 5. If, after the examination of the matter by the court to which application is made, or by the circuit judge without a reference, or on the coming in of the report of the referee, and on examination of the matter it shall satisfactorily appear that a sale, mortgage, lease or other disposition of the whole or any part of the said real estate or interest therein is necessary or proper, such court or the circuit judge shall make a final order directing the sale, mortgaging, leasing or other disposition of such real es-

tate or interest therein or of such part thereof as the court or judge shall deem proper to be made by the referee so appointed, in such manner and with such restrictions as shall be deemed expedient.

No disposition to be made without order.

SECTION 6. No such sale, mortgage, lease or other disposition of said property shall be made until an agreement therefor shall be entered into by such referee, subject to the approval of the proper court or the circuit judge. Upon the confirmation of such agreement by such court or judge, the said referee must execute a deed, mortgage, lease or other instrument of conveyance as directed by the said order of confirmation or approval.

Conveyance by referee, under order of court, to vest title.

SECTION 7. Every deed, mortgage, lease or other conveyance made in good faith by the referee pursuant to any order or judgment of the circuit, county or superior court or the circuit judge, made under the provisions of this act, shall be valid and effectual to vest in the purchaser, mortgagee, lessee or other party under such conveyance, a good and sufficient title as against all persons having, or who may have, any title to or interest or estate in the said lands or interest therein, whether in being or not, under or by virtue of the terms of any deed or other instrument, or under and by virtue of any last will and testament, and the court may require any or all parties who are living having any interest in said lands or interest, to join said referee in the execution of said instrument of conveyance and release all their interests therein.

Interest of party in proceeds of sale.

SECTION 8. No sale, mortgage, lease or other conveyance made as aforesaid of the real estate or any interest therein of any party, whether in being or not, shall give to such party any other or greater interest or estate in the proceeds of such sale, mortgaging or other disposition of said lands or interest therein than he had in the estate so sold or disposed of, but the said proceeds shall be deemed real estate of the same nature as the property sold.

Proceeds to be placed in trust by order of court.

SECTION 9. The proceeds of the said sale, mortgage, lease or other conveyance of said real estate, after payment under the direction of the said court or the said circuit judge of the costs and expenses of the said proceedings, shall be at once or from time to time paid to some trustee or trust company to be designated by the court, and by him or it held, invested and disposed of in such manner and for such time as shall be designated by said court, or circuit judge, for the benefit of such person or persons as may be or become interested in said lands or interests under and by virtue of said deed or other instrument or said will and testament, and the said proceeds, as well as the interest and income thereof, shall at all times abide the order of said court.

Proceedings to be in rem against land.

SECTION 10. The proceeding under this act shall be deemed to be a proceeding *in rem* against said land or interest therein, and the final order of said court providing for the sale, mortgaging, leasing or other disposition of the same shall operate directly on said land and shall be as valid, effectual and binding as though the party to be affected thereby were then living or had a present vested interest in the same.

SECTION 11. This act shall take effect and be in force from and after its passage and publication.

Approved April 29, 1899.

No. 11, A.] [Published May 5, 1899.

CHAPTER 301.

AN ACT amending chapter 107 of the Wisconsin statutes of 1898, relating to marriages.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Not less than five days previous to persons being joined in marriage a license therefor shall be obtained from the county clerk of the county in which the female resides, or if not a resident of the state, then from the county clerk of the county where the marriage is to take place in this state.

License to be procured five days days before marriage.

1899 c 301 § 1
See § 4971
Sub. 24

SECTION 2. When application is made in person, the applicant shall sign and verify a statement before such clerk, that the parties applying for the license are of legal age, and that no other legal impediment to marriage exists. Or such applicant may go before any officer authorized by law to administer oaths, and make and verify a like statement, in the presence of two subscribing witnesses, and upon the receipt of such statement and application for license and the required fee, the clerk shall, if such statement is in proper form, forward to such applicant the required license.

Applicants to sign verified statements as to age, etc.

SECTION 3. If any person intending to marry shall be under the age of 21 years if a male, or under the age of 18 years if a female, and shall not have had a former wife or husband, the consent in person or in writing of the parent or guardian having the custody of such a minor, shall be given to the county clerk before a license for marriage shall be granted, and if such consent is in writing it shall be signed and verified by the parent or guardian in the presence of two subscribing witnesses.

Minors to obtain consent of parent or guardian.

License good for one month.

SECTION 4. The county clerk shall file and preserve in his office all sworn statements made for the purpose of procuring licenses. The limit of time for which a license shall remain in force shall be one month from date of issue, after which time it shall become void.

License fee.

SECTION 5. The county clerk shall receive as a fee for each license granted the sum of fifty cents which shall become a part of the funds of the county. If any clerk shall, in any other manner than provided for in this act, knowingly issue or sign any marriage license, he shall forfeit and pay a sum not exceeding one thousand dollars.

Penalty for performing marriage, unless license is issued.

SECTION 6. If any person authorized by law to solemnize a marriage, perform such a ceremony, when the parties thereto have not obtained the proper license, or when five days or more have not elapsed since the date of such license or when parties fail to present such license when making application for marriage except hereinafter provided, he shall forfeit and pay for every such offense a sum not exceeding five hundred dollars, or may be imprisoned not exceeding one year, but such parties performing marriage ceremonies, are not relieved from examination of applicants for marriage, as to legal impediments. The license shall be returned by the party performing marriage ceremony, with the marriage certificate to the register of deeds of the county in which such license is issued provided that in cities of the first class such license and marriage certificate shall be returned to the register of vital statistics in such city and by him filed as provided by law.

Duty of officiating officer.

Court of record may order marriage without license.

87 C 301 '99
81 C 305 '03

Ch. 301 § 7
See 1903 c
305 § 1

SECTION 7. Upon application of either of the parties to a proposed marriage any county judge, court of record or presiding judge thereof, in his discretion, by order may authorize the marriage without such license, or the delay of five days after the issuing of such license. Such order shall be delivered to the person performing the ceremony and by him returned in place of or in

connection with the license to the register of deeds, or register of vital statistics.

SECTION 8. All acts or parts of acts contravening the provisions of this act are hereby repealed.

SECTION 9. This act shall take effect and be in force, from and after its passage and publication.

Approved April 29, 1899.

No. 368, A.] [Published May 2, 1899.

CHAPTER 302.

AN ACT to provide for the payment of certain lumber and material used in the construction of the warden's residence at Waupun, Wisconsin, and for work and labor upon the Wisconsin home for feeble minded at Chippewa Falls, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The purpose of this bill is to reimburse the parties hereinafter named, for lumber and material used in the construction of the warden's residence at the state prison in the city of Waupun, in the year 1894, and for work and labor upon the Wisconsin home for feeble minded at Chippewa Falls, Wisconsin. Purpose of law.

SECTION 2. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of two hundred and two dollars and sixty cents, to be paid to J. M. Thompson, of Waupun, Wisconsin. Appropriation to J. M. Thompson.

SECTION 3. There is hereby appropriated out of any money in the state treasury not otherwise Appropriation to Lovell & Co.

appropriated, the sum of twenty-seven dollars and seventy-one cents, to be paid to Lovell and company, of Waupun, Wisconsin.

Appropriation to Campbell & Cameron Co.

SECTION 4. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of four hundred and forty-seven dollars and twenty cents, to be paid to Campbell and Cameron company of Oshkosh, Wisconsin.

Appropriation to Rockwell Mfg. Co.

SECTION 5. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of five hundred and fifty six dollars and ninety-five cents, to be paid to the Rockwell Manufacturing company of Milwaukee, Wisconsin.

Appropriation to sundry persons for labor.

SECTION 6. There is hereby appropriated out of any money in the general fund in the state treasury, not otherwise appropriated, to the persons hereinafter named, to each the sum following and set opposite to his name, to-wit: To Christ Anderson, twenty dollars and forty-five cents; to Gustave Freitag, sixty-six dollars and twenty-one cents; to John F. Ball, sixteen dollars and forty cents; to Godfried Salevski, five dollars and twenty-eight cents; to Reinhold Schlenski, five dollars and fifty-two cents; to Herman Kreuger, three dollars and fifty-three cents; to Charles Roth, twenty-two dollars and seventy cents; to Christ Lund, nineteen dollars and thirty cents; to Ernest Guynon, nine dollars and twelve cents; to Alex. Wert, ten dollars; to Thos. King, fourteen dollars and seventy-six cents; to John Hess, six dollars; to Louis Larson, thirteen dollars and twenty-five cents; to Joseph Pope, ten dollars and five cents; to John Kepper, ten dollars and thirty cents; to Ernest Parker, ten dollars; to V. S. Le Claire, eight dollars and fifty-five cents; to Maurice Pivin, seventeen dollars and twenty cents; to F. M. King, twelve dollars and fifteen cents; to Elmer Leonard, twelve dollars and ten cents; to Leonard Seth, ten dollars and thirty-two cents; to Wenzel Malto, five dollars and fifteen cents; to William

Manney, three dollars; to Peter Wolf, four dollars and sixty-eight cents, being for a balance of of wages due the persons herein named, for work and labor upon the Wisconsin state home for feeble minded. The moneys herein appropriated, shall be paid out upon warrant or order drawn upon the state treasury, by the secretary of the state, and shall be by him paid and disbursed to the persons herein named.

SECTION 7. Said amounts when thus paid to the respective parties, are in full compensation and payment for work and labor performed, and material furnished by the respective parties, in the erection and construction of the warden's residence at the state prison during the years 1893 and 1894, and for work and labor upon the Wisconsin home for the feeble minded at Chippewa Falls, Wisconsin. Amounts paid to be in full of account.

SECTION 8. This act shall take effect and be in force, from and after its passage and publication.

Approved May 1, 1899.

No. 205, A.] [Published May 2, 1899.

CHAPTER 303.

AN ACT to repeal section 1042a, of the Wisconsin statutes for 1898, relating to the taxation of water craft.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1042a, of the Wisconsin statutes of 1898, is hereby repealed. Sec. 1042a repealed.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved May 1, 1899.

No. 219, S.] [Published May 2, 1899.

CHAPTER 304.

AN ACT to amend section 1529a of the statutes of 1898 pertaining to the support of inmates of veterans' home.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

81 C 304 '99
81 C 324 '03

Ch. 304 § 1
1903 c 324

Army nurses, and mothers of veterans eligible to admission to home.

SECTION 1. Section 1529a of the statutes of 1898, is hereby amended by adding after the word "state" in the fourteenth line of said section the words "as were employed as army nurses, and such as are mothers," so that said section when amended shall read as follows, to-wit: Support of inmates of veterans' home. Section 1529a. There shall be paid by the state treasurer to the treasurer of the board of trustees of the Wisconsin veterans' home, an institution incorporated under the laws of this state under the auspices of the department of Wisconsin grand army of the republic, three dollars a week for each inmate of such home, upon monthly bills properly verified by the oath of the president and secretary of said board, stating the name of each inmate for whose maintenance therein compensation is claimed and the length of time during the month preceding the rendition of such bills such person shall have been maintained therein; such payment shall be made only for the maintenance of such inmates of said home as are destitute soldiers, sailors and marines who have been honorably discharged from the service of the federal government, who are residents of this state, and who cannot be received into any national home for disabled volunteers, and such destitute women, residents of this state, as were employed as army nurses, and such as are mothers, wives or widows of men who were union soldiers, sailors or marines during the civil war.

Such payments shall be made subject to conditions imposed by chapter 393 of the laws of 1891.

SECTION 2. This act shall take effect and be in in force from and after its passage and publication.

Approved May 1, 1899.

No. 350, A.] [Published May 2, 1899.

CHAPTER 305.

Ch. 305
112 211 219
220

Ch. 305
113 509 515

AN ACT to amend section 1339 of the Wisconsin statutes of 1898, relating to damages caused by defective highways.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

When action may be brought for damages caused by defective highway.

1899, c 305
110 623 625

1899 c 305
119 574 580

SECTION 1. Section 1339 of the Wisconsin statutes of 1898 is hereby amended by inserting after the word "village" in the fifth line thereof the words "provided, however, that no action shall be maintained by husband on account of injuries received by the wife, or by a parent on account of injuries received by a minor child;" and by adding at the end of said section the following words, "no action shall be maintained to recover damages for injuries sustained by reason of an accumulation of snow or ice upon any bridge or highway, unless such accumulation shall have existed for three weeks," so that said section when so amended shall read as follows: Section 1339. If any damage shall happen to any person, his team, carriage or other property by reason of the insufficiency or want of repairs of any bridge, sluiceway or road in any town, city or village, the person sustaining such damage shall have a right to sue for and recover the same

against any such town, city or village, provided, however, that no action shall be maintained by a husband on account of injuries received by the wife, or by a parent on account of injuries received by a minor child; but if such damage shall happen by reason of the insufficiency or want of repairs of a bridge, sluiceway or road which any county shall have adopted as a county road and is by law bound to keep in repair, such county shall be liable therefor and the claim for damages shall be against the county. If such damages shall happen by reason of the insufficiency or want of repairs of a bridge erected or maintained at the expense of two or more towns the action shall be brought against all the towns liable for the repair of the same and upon recovery of judgment the damages and costs shall be paid by such towns in the proportion in which they are liable for such repairs; and the court may in its discretion direct the judgment to be collected from or issue execution against each town for its proportion only. No such action shall be maintained against any county, town, city or village unless within thirty days in the case of any county or town, and fifteen days in the case of any city or village, after the happening of the event causing such damage, notice in writing signed by the party, his agent or attorney shall be given to the county clerk of the county, a supervisor of the town, one of the trustees of the village or mayor or city clerk of the city against which damages are claimed, stating the place where such damage occurred, and describing generally the insufficiency or want of repair which occasioned it and that satisfaction therefor is claimed of such county, town, city or village. No notice given hereunder shall be deemed insufficient or invalid solely because of any inaccuracy or failure therein in stating the time, describing the place or the insufficiency or want of repairs which caused the damage for which satisfaction is claimed, provided it shall appear that there was no intention on the part of the person giving

Notice of damages to be served.

such notice to mislead the other party and that such party was not in fact misled thereby; and provided further, that the amount recoverable by any person for any damage or injury so sustained shall in no case exceed five thousand dollars. No action shall be maintained to recover damages for injuries sustained by reason of an accumulation of snow or ice upon any bridge or highway, unless such accumulation shall have existed for three weeks.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved April 29, 1899.

No. 165, S.] [Published May 2, 1899.

CHAPTER 306.

Ch. 306
See 1901 c 465

Ch. 306
112 19
1899 c 306
118 558 562

AN ACT to amend section 1863a of the Wisconsin statutes of 1898, relating to the condemnation of land.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1863a of the Wisconsin statutes for the year 1898, is hereby amended by striking out the words "nothing herein shall be construed as conferring on any such corporation the right to lay or construct its track over or across the track of any steam railway company other than such as may now exist," and inserting in lieu thereof the following: "All the provisions of sub-division 6 of section 1828, of these statutes, relative to railroad crossings, shall apply to street and electric railways. The commissioners therein named shall have power to deter-

Provision of sub 6 of §1828 inserted. 81 C 306 '99 81 C 465 '01

mine the place at and manner in which grade or other crossings shall be made, and on an appeal from the determination and award of such commissioners to the circuit court, as provided by this chapter in condemnation proceedings, such court shall have power to review, reverse, modify or affirm such award, both as to the amount of compensation therein provided, and as to the manner of making such a crossing, and may make such reasonable provisions as it shall deem necessary for the public safety, provided the provisions of section 1808 of the Wisconsin statutes of 1898 shall not apply to trains operated by steam at crossings of such electric railways, and provided further that the appeal herein authorized shall not prevent the construction of such crossing, in the manner determined by the commissioners and the use of the same by the petitioner, upon the filing of such determination and award with the clerk of the circuit court, and the payment of the amount of compensation awarded, to the railroad company, or to the clerk of the court for its benefit, but the circuit court may, in its discretion, require the petitioning company to maintain a flagman or other safeguard at such crossing, pending the determination of such appeal," so that said section when amended shall read as follows: Section 1863a. Any street or electric railway corporation may acquire by purchase, grant or condemnation or hold or use such real estate or other property as may be necessary for the construction, maintenance and operation of its railroad, and of the stations, depot grounds and other accommodation reasonably necessary to accomplish the objects of its incorporation. All the provisions of sub-division 6, of section 1828, of these statutes relative to railroad crossings shall apply to street and electric railways. The commissioners therein named shall have power to determine the place at and manner in which grade, or other crossings shall be made, and, on an appeal from the determination and award of

Condemnation of land by street or electric railways.

such commissioners to the circuit court, as provided by this chapter in condemnation proceedings, such court shall have power to review, reverse, modify or affirm such award, both as to the amount of compensation therein provided, and as to the manner of making such crossing, and may make such reasonable provisions as it shall deem necessary for the public safety. Provided the provisions of section 1808 of the Wisconsin statutes of 1898 shall not apply to trains operated by steam at crossings of such electric railways. And provided further that the appeal herein authorized shall not prevent the construction of such crossing in the manner determined by the commissioners, and the use of the same by the petitioner upon the filing of such determination and award with the clerk of the circuit court, and the payment of the amount of compensation awarded, to the railroad company, or to the clerk of the court for its benefit; but the circuit court may, in its discretion, require the petitioning company to maintain a flagman or other safeguard at such crossing, pending the determination of such appeal. All the provisions of these statutes relating to the exercise of eminent domain by railroad companies, shall apply to street and electric railroad corporations; provided, that nothing herein shall apply to any street, alley, viaduct, park or boulevard in any city or village.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 29, 1899.

No. 181, S.] [Published May 2, 1899.

CHAPTER 307.

AN ACT to amend section 1816b, and subdivision 5 of section 4222 of the Wisconsin statutes, relating to the commencement of civil actions.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

When notice need not be served.

SECTION 1. Section 1816b, and subdivision 5 of section 4222 of the statutes are hereby amended by adding to the end of each thereof the words "when an action shall be brought and a complaint actually served therein within one year after the happening of the event causing such damages, the notice herein provided for need not be served."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 29, 1899.

No. 168, S.] [Published May 3, 1899.

CHAPTER 308.

AN ACT to amend chapter 46 of the Wisconsin statutes for 1898 relative to the duties of assessors and sections 1211, 1212 and 1795 of said statutes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter 46 of the Wisconsin statutes for 1898 is hereby amended by inserting in said chapter immediately after section 1010, four new sections which shall be known and read as follows: Section 1010a. It shall be the duty of the assessor in each assessing district in the state to make a certified report of the following data, concerning all railroads, public, private, logging or other kind located in his district, either steam or electric, to-wit: name, owner, operator. Section 1010b. On or before the first day of June of each year each assessor shall transmit such report to the railroad commissioner at Madison, and file a copy of the same with the town, city or village clerk wherein his assessing district is located. Section 1010c. The secretary of state is hereby authorized and instructed to procure the blanks necessary to the provision of this act and to transmit the same to the several county clerks of the state who shall immediately transmit the same to the several assessors of his county. Section 1010d. Any assessor neglecting or refusing to make the report provided for in this act shall be punished by a fine of not less than fifty dollars.

Assessor to collect railroad statistics.

To report to railroad commissioner.

Secretary of state to furnish blanks.

Penalty for assessor's neglect.

SECTION 2. Section 1211 of the Wisconsin statutes for 1898 is hereby amended by striking out the word "February," where it occurs in the third line of said section, and inserting in lieu thereof the word "March," so that said section when so

§2 C 308 '99 Repealed §2 C 417 '01

Ch. 308, § 2 Repealed. 1901, c 417

Steam and electric roads to report earnings to state treasurer.

amended shall read as follows : Section 1211. Every steam or electric railroad company and every person operating a railroad in this state, except railroads operated by horse power or city street railroads wholly within such city shall, on or before the tenth day of March in each year, make and return to the state treasurer in such form and upon such blanks as shall be furnished by him, a true statement of the gross earnings of their respective roads for the preceding calendar year, of the number of miles of road operated by each such company or person and the gross earning per mile per annum during such year; which statement shall be verified by the oath of the secretary and treasurer of such companies or of the person so operating such railroad.

Duties of railroad commissioner.

SECTION 3. Section 1795 of the Wisconsin statutes for 1898 is hereby amended as follows: first by striking out the word "February" in the second line of said section and inserting in lieu thereof the word "March," and by striking out the word "oddnumber" where it occurs in the twenty-fourth line of subdivision four (4) of said section and inserting in lieu thereof the word even numbered.

Application for license.

SECTION 4. Section 1212 of the Wisconsin statutes for 1898 is hereby amended by inserting after the word "thereupon" in the fourth line of said section the following: "if such statement be approved by the railroad commissioner," so that said section when so amended shall read as follows: Section 1212. Each such railroad company and each person operating any railroads shall on returning such statement, apply for a license to operate the railroad mentioned in such statement, and shall pay the license fee therefor provided in the next section; and thereupon, if such statement be approved by the railroad commissioner shall receive from the state treasurer a license to operate such railroad for the calendar year commencing on the first day of January preceding and terminating on the next succeeding

thirty-first day of December, unless sooner revoked.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved May 1, 1899.

No. 202, S.] [Published May 2, 1899.

CHAPTER 309.

AN ACT relating to municipalities and amendatory of section 942 of the statutes of Wisconsin for the year 1898.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 942 of the statutes of the state of Wisconsin for the year 1898, is hereby amended by inserting after the word "purpose" in the seventh line thereof, the words "and for the purchase, construction, maintenance and operation of telephone lines and exchanges," and by adding a new section to be known as section 942a, so that said section 942, when amended, and said section 942a, shall read as follows: Section 942. Any county, town, village or city may, in accordance with the provisions of this chapter, issue its negotiable bonds for the purpose of paying for any authorized subscription to the stock or mortgage bonds, or both, issued by any corporation or company organized for building any railroad, whether of broad, ordinary or narrow gauge, or made of iron, steel or wooden rails, or in exchange for or compromise of any such bonds previously issued for such purpose, and for the purchase, construction, maintenance and op-

Municipal bonds, purposes for which may issue.

eration of telephone lines and exchanges. Any city or village may also borrow money and issue its negotiable bonds for any of the following purposes, viz.: the purchase or erection of public buildings; the purchase of fire engines or any apparatus for the extinguishment of fires; the purchase or erection of pumps, water mains, reservoirs or any other water works; the purchase or erection of electric or gas lighting works, main sewers, sewage disposal works or grounds; the grading, macadamizing or paving streets; the laying out, altering or widening thereof or of public grounds or parks; the purchase or improvement of cemeteries, the construction of school buildings or in exchange for or compromise of any bonds previously issued and outstanding; provided, that the principal of such new bonds shall not exceed the principal of the old bonds; or to accomplish any other purpose in the lawful power of such corporation. Section 942a. That no county bonds shall be issued for the purchase or erection of telephone lines and exchanges nor shall any bonds be issued therefor unless a proposition setting forth the length, equipment and connections of the proposed lines; denominations of the bonds to be issued, and at what rate of interest, how, when and where said bonds and interest shall be payable; when said bonds shall be delivered with reference to the construction of the line from point to point or its final completion; when said line, if not then completed, shall be finished, and providing for escrow of the bonds if the parties so elect, pursuant to the terms of such proposition, shall first be filed with the county, town, village or city clerk and the same shall thereafter be duly adopted or accepted in either of the ways provided for the acceptance and adoptions of a proposition to issue municipal bonds to aid in the construction of a railroad as particularly required by the provisions of sections 945, 946, 947, and 948 of the statutes of Wisconsin for the year 1898; provided that in no case shall town, city or village aid bonds be issued

When county bonds may be issued for telephone purposes.

for more than fifty per cent. of the entire cost of the telephone lines and exchanges described in any aid proposition and provided further, that before any person, firm, company or corporation shall be authorized to submit any proposition, such person, firm, company or corporation shall file with the secretary of state a notice of intention to operate under the provisions of this act, together with a bond in such form and amount as in the secretary's judgment shall properly protect the interests of the community concerned. Provided that none but tax payers shall be entitled to vote at any election held for the purpose aforesaid.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 1, 1899.

No. 426, A.] [Published May 2, 1899.

CHAPTER 310.

Ch. 310
See 1903 c 444

Ch. 310
112 601 602
604

AN ACT to authorize the building of viaducts across gullies, running streams or railroad tracks, by the counties in this state, and for the issuing of county bonds therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

When county board may authorize construction of viaduct.

C 310 '99
See
C 444 '03

Ch. 310 § 1
112 609

SECTION 1. The county board of supervisors of any county within this state, is hereby authorized and empowered to alter, erect, construct and maintain any viaduct not less than one thousand feet in length, the cost of construction of which, together with the right of way therefor, shall be not less than the sum of eighty thousand

dollars, over and across any gully, river, valley or depression in land for the purpose of connecting two or more highways, streets or roads, or different parts of the same highway, street or road, or for making the thoroughfare more safe, convenient or passable, whether the same shall be a county road or town highway, or located wholly within one town or municipality or not, agreeable to the conditions and provisions of this act and subsisting laws applicable thereto, when in the opinion of such county board the alteration or erection of such viaduct or road way shall be for the best interests of the county and inhabitants thereof, which opinion shall be rendered by resolution duly adopted by the county board of supervisors of such county, at any legal meeting thereof, but no such viaduct shall be constructed by any such county at the expense thereof which shall be less than one thousand feet in length or less than sixty feet in width, or of an average height of less than eighteen feet, or the cost of which, including the right of way therefor, to be determined by estimate procured by such county board, shall be less than the sum of eighty thousand dollars.

Dimensions of and limitations as to cost.

Decision of county board final.

SECTION 2. Whenever such county board shall have determined upon the alteration or erection of any viaduct as herein provided for, it may at any regular meeting of said board, determine by resolution in the manner provided by law, and the rules and regulations of such county board, the tract or tracts of land over and upon which such viaduct shall be placed or constructed, which said tract of land shall not be less than eighty feet in width, nor less than one thousand feet in length, and the determination of such county board and the selection by it of the tract over and upon which such viaduct shall be so placed, shall be final; but no bonds shall be issued under the provision of this act until said determination has been made and had by such county board of supervisors.

SECTION 3. Whenever the county board of su-

pervisors of any such county, shall determine to erect and construct a viaduct under and according to the provisions of this act, it is hereby made the duty of the county surveyor of such county immediately upon such determination and the selection of such county board, of the location of such viaduct, or as soon thereafter as practicable, to cause a survey of the property so selected to be made, and to file said survey in the office of the county clerk of such county; and he shall also file therewith a description of the several parcels of land contained therein; and also a map or plat thereof, showing the location of the same, unless such survey, description and plat has already been prepared, and such county board of supervisors or such committee as such board may appoint, shall upon the filing of such plat and description of such land and the survey thereof, ascertain if the same or any part thereof can be acquired from the owners thereof, by dedication without compensation, and also enter into negotiations with the several owners of the land necessary to be acquired, for the purchase of the fee simple of, or right of way over, all the lands described in said survey, which cannot be acquired by gift; and such lands as shall be included in said survey, which cannot be acquired by gift or purchased at an agreed price, or the right of way over such lands, shall thereupon be condemned by the said county board of supervisors, in the manner provided by law for laying out a county road; provided, that the damages assessed therein shall be paid by said county, and that such strip, piece or parcels of land shall be forever thereafter used and maintained by the county within which the same is located, as and for a county highway, until such viaduct and the land upon and over which the same is constructed, shall be incorporated and included within the corporate limits of any city within such county; and any condemnation proceedings had thereunder, shall be governed by all provisions of law relating to the laying out of roads

Duty of county surveyor in locating viaduct.

Right of way, how acquired.

Condemnation proceedings.

by the county board in such county, so far as the same may be applicable thereto. If by constructing said viaduct in the manner aforesaid, any damages be sustained by any person or persons, either to himself or to his property, then and in such cases the damages so sustained may be paid out of the treasury of the county.

Requirements in construction of viaduct.

SECTION 4. Any viaduct constructed under the provisions of this act, shall be constructed in a substantial manner of iron and steel, except the floor and the abutments and piers thereof. It shall rest upon iron and steel columns of suitable size, strength and dimensions, set on stone or concrete foundations and shall be of a uniform width of not less than sixty feet, and shall be of an even height and level, as near as may be, and the terminal points thereof shall be of the same altitude, as nearly as practicable; and there shall be provided suitable approaches at either terminal points of such viaduct, and at such intermediate points, as shall be necessary for safe and convenient access thereto; and suitable and proper abutments shall be constructed at each terminal point in a solid and substantial manner. When any such viaduct shall be built over a navigable river, a suitable draw bridge shall be provided therein, and whenever any such viaduct shall cross over or above any railroad track, the same shall have its lowest member not less than twenty-three feet above the rail of said railway.

County board to cause profile plan to be made.

SECTION 5. Whenever the alteration, erection or construction of a viaduct, under the provisions of this act, shall have been determined upon, the county board of supervisors of the county about to construct the same, shall cause to be made a complete profile plan and detailed specifications for the work of construction or alteration, and as soon thereafter as practicable, such county board of supervisors shall let the contract for the work according to law, and enter upon the construction of such viaduct, bridge and approaches in conformity thereto.

SECTION 6. No franchises or rights shall ever

be granted for purposes of horse, steam, electric or other railway communication, and no exclusive privileges, or immunities shall ever be granted for the lighting of streets, highways and the like over any viaduct constructed under the provisions of this act, by the county constructing the same, to any person, persons or corporation.

No franchises for use of viaduct to be granted.

SECTION 7. Whenever the alteration or construction of a viaduct shall have been determined upon, agreeably to the conditions of this act, the county board of supervisors of the county about to construct such viaduct, is hereby authorized and empowered to issue bonds of such county for the purpose of raising money for the building of such viaducts, and for the procurement of title thereto, or a right of way over any and all lands necessary to or convenient for the alteration, construction, erection and maintenance of such viaduct, and necessary or convenient approaches thereto, and the payment of all damages which may be assessed or allowed to the owners of property that shall be purchased or condemned for the uses and purposes in this act provided, such bonds to bear interest at a rate not exceeding five per cent. per annum, interest payable semi-annually, and the principal payable at such time or times, within twenty years from the date of such bonds, as the county board of supervisors of such county may determine; provided, that the amount of bonds so issued shall not, exclusive of interest, exceed a sum equal to one-fifth of one per cent., of the value of all taxable property of said county, as determined by the last assessment and equalization for state and county taxes, next prior to the issue thereof.

County board may issue bonds for construction.

Limitations as to issue.

SECTION 8. All county bonds, issued by any county under the provisions of this act, shall be signed by the chairman and countersigned by the clerk of the county board of supervisors of the county issuing the same, and shall be under the corporate seal of said county, and shall be in the sum of one thousand dollars, five hundred dollars

Description of bonds.

and one hundred dollars each, the number of bonds of such denomination to be fixed by the county board of supervisors, with interest coupons thereunto attached, payable semi-annually; all of such bonds issued in any one year, to be payable with the same rate of interest, and the interest payable semi-annually at one time and place; such time and place to be determined by the county board of supervisors, and to appear upon the face of such bonds and coupons; and said bonds, when signed, countersigned, and sealed, as aforesaid, shall be in the hands of a bona fide holder of the same for value, full and complete evidence, both at law and in equity, to establish the indebtedness of the county issuing the same, according to the tenor and effect of said bond.

Bonds not to be sold at less than par.

SECTION 9. When the issue of any county bonds, under the provisions of this act, shall have been determined upon, the county board of supervisors of the county about to issue the same, may at any legal meeting, direct by resolution, their chairman to sign, and the clerk of said board to countersign, all the bonds authorized to be issued under this act, or such part thereof as the said board may from time to time determine shall be issued; and it shall be the duty of the treasurer of any such county, under the supervision of the county board of supervisors of such county, to negotiate the bonds so issued, provided that none of said bonds shall be sold at a rate less than par; and the said county treasurer of such county, shall keep and maintain all moneys received from the sale of the bonds issued, in a fund separate from all other moneys belonging to said county, and no part of said bond or of the moneys arising from the sale thereof, shall be expended for or applied to any purposes whatever, except to defray the expenses of obtaining the right of way and for the altering or building of any viaduct or roadway to be altered, constructed or built under and according to the provisions of this act and for materials to

Proceeds from sale to be kept as separate fund.

be used therein and labor furnished thereon; and the said treasurer and his sureties, shall be liable to such county for any misapplication of the same or any part thereof; and the said treasurer, before he shall receive such bonds or any money received from the sale thereof for any purpose whatever, shall within thirty days after it has been determined to issue such bonds, execute to the county board of supervisors of such county, a bond with three or more sufficient sureties in the penal sum of double the amount of bonds or moneys so to be received by him, conditioned that he will faithfully perform all orders and resolutions of said county board of supervisors which may be passed by virtue of the powers conferred upon such board by this act; that he will keep the bond received by him safely, that he will keep the moneys received by him and arising from the sale of said bonds safely and separately from other moneys belonging to such county, that he will not pay out the same or any part thereof, except in the manner herein provided, which said bonds shall be approved by the county board of supervisors of said county and filed in the office of the clerk of said county board of supervisors; and the treasurer of said county shall in a book in a form convenient for that purpose, keep all the coupons belonging to such bonds when the same shall be returned paid and cancelled; such book at all times to be subject to the inspection of any member of said board, citizen or citizens of such county.

Treasurer to give additional bond with three or more sureties.

SECTION 10. It shall be the duty of any county board of supervisors which shall have determined upon the building of any viaduct under the provisions of this act, at or before issuing any bonds in pursuance hereof, to provide for the payment of the interest and the ultimate payment of the principal, of any and all bonds which shall be issued under and by virtue of this act; and for that purpose such county board of supervisors is hereby authorized and required at or before the issue of any such bonds shall have been deter-

County board to provide for payment of bonds before issue.

mined upon, to provide for the assessment, levy and collection of a direct annual tax upon all the taxable property of such county in which such viaduct shall be located, sufficient to pay the interest on such bonds so issued, and also to provide for the levy and assessment of a direct tax, sufficient to pay and discharge the principal of said bonds, as the same shall mature and to collect the same in the manner as other taxes are levied and collected by law.

Orders for payment of work, how drawn and paid.

SECTION 11. All county orders drawn on the treasurer of any such county, which shall have undertaken the alteration or erection of any such viaduct as herein provided, which are to be paid out of the moneys received on the sale of such bonds, or any or any part thereof, shall contain the words following, to-wit: "on viaduct contract;" and the treasurer shall pay no county order or orders drawn on him against such county, out of the moneys received by him on the sale of such bonds or any part thereof, unless such order shall contain the words "on viaduct contract," and the chairman of such county board of supervisors, is hereby prohibited from signing and the clerk of said board from countersigning, any county order or orders of such county which shall contain the words "on viaduct contract," unless the consideration for such order be for work done or for material furnished, or both, in the alteration, construction and erection of such viaduct, or in payment for lands purchased or damages lawfully assessed to owner or owners of land which shall have been duly condemned for use for, or in the alteration, construction, maintenance or use of any such viaduct or for the right of way therefor.

County clerk to number and register bonds.

SECTION 12. The clerk of said county board of supervisors shall number such bonds and cause the same to be registered in the office of the treasurer of such county wherein such viaduct shall be located, in a book to be provided for that purpose.

SECTION 13. The county treasurer of any county which shall issue bonds by virtue of the powers conferred by this act, for all the duties which he shall perform under this act, shall receive not exceeding one-half of one per cent. of the amount of bonds disposed of by him, in addition to the salary fixed by law, or the fees of his office for other duties by him performed, as treasurer of such county. Fee of county treasurer.

SECTION 14. All legislative and administrative powers necessary to carry the powers conferred by this act into full force and effect, is hereby conferred upon the county board of supervisors of any county within this state, which shall avail itself of the provisions of this act, agreeably to the conditions thereof. Legislative and administrative power conferred on board.

SECTION 15. Chapter 334 of the laws of Wisconsin for the year of 1895, and any and all acts or parts of acts, inconsistent or conflicting with this act, are for the purpose of this act, hereby expressly repealed.

SECTION 16. This act shall take effect and be in force, from and after its passage and publication.

Approved May 1, 1899.

No. 287, S.] [Published May 3, 1899.

CHAPTER 311.

Ch. 311
See 1899 c 266
See 1899 c 350
§ 1

AN ACT to amend the Wisconsin statutes of 1898 relating to the protection of fish and game.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

§1 C 311 '99
§8 C 437 '03

SECTION 1. Section 4560b of the Wisconsin statutes of 1898 is hereby amended to read as follows: section 4560b. Any person who shall kill, Close season for bass.

Ch. 311 § 1
1903 c 437 § 8

capture or take by any device whatever, or any manner in any of the inland waters of this state, any black bass, muskallonge and pike, Oswego bass or yellow bass between the first day of March and the twenty-fifth day of May next succeeding, (excepting that in Big Green lake in Green Lake county the closed season for such bass shall be from the first day of March to the first day of July next succeeding, and in Devil's lake in Sauk county the closed season for such bass shall be from the fifteenth day of December to the fifteenth day of June or who shall take or kill such bass in the waters of Geneva lake in Walworth county of a length less than six inches), shall be punished by a fine of not less than ten dollars nor more than twenty-five dollars, or by imprisonment in the county jail for not more than ten days; but the closed season above prescribed in this section shall not apply to Rush lake in Fond du Lac and Winnebago counties, or to Geneva lake in Walworth county.

In certain lakes.

Penalty.

§2 C 311 '99
§5 C 437 '03

Ch. 311 § 2
1903 c 437 § 5

Ch. 311 § 2
See 05 c 318

Close season for trout.

SECTION 2. Section 4560c of the Wisconsin statutes of 1898 is hereby amended to read as follows: section 4560c. Any person who shall fish for, catch or kill in any of the inland waters of the state, with any device or in any manner, any variety of trout between the first day of September and the succeeding fifteenth day of April, or who shall sell, offer for sale or barter any brook trout caught in any of the streams, ponds or lakes of this state, shall be punished by a fine of not less than ten dollars nor more than fifty dollars or by imprisonment in the county jail not exceeding thirty days or by both such fine and imprisonment; provided, that this section shall not prohibit the catching, for sale or barter, of brook trout raised and propagated in any of the streams, ponds or lakes of this state by the owners thereof or their agents.

§3 C 311 '99
§13 C 437 '03

Net, traps and snares in inland waters.

SECTION 3. Section 4560d, Wisconsin statutes of 1898, is hereby amended to read as follows: section 4560d. Any person who shall, except as provided herein, set, place or use in any of the in-

land waters of the state any net of any variety, or any trap, or any snare of any kind, which shall be intended to or might catch, take or kill fish shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, and be imprisoned until such fine be paid, not exceeding ninety days; provided, that dip nets may be used in said waters to take whitefish between the first day of November and the succeeding eighth day thereof, and in taking shiners, chubs, dace, suckers, carp, redhorse, sheepshead, dogfish, garfish, sturgeon, catfish and bullheads in any stream not frequented by or containing trout of any variety. Set lines may be used in the waters of lake Winnebago, lake Butte des Morts, lake Wineconne, lake Poygan and the river connecting said lakes and the Mississippi river, for the purpose of taking catfish or sturgeon under the following restrictions: any person who shall put out a set line shall first procure from the county clerk of any county bordering on such waters, a license for that purpose, which shall be issued to him the same as hunting licenses are issued. He shall also procure from the said county clerk and attach to each one hundred yards or fraction thereof of set line, a metal tag. The license shall be numbered and the metal tag issued to any license holder shall be stamped to correspond with the number of the license. The licensee shall pay one dollar for such license and twenty-five cents for each metal tag. The proceeds thereof shall go to the county issuing the same to be used to enforce the state game laws. No person shall assist in setting or in taking up a set line who does not possess a license. Any person who shall set such line shall maintain at each end thereof a white flag not less than sixteen inches square, and such flag shall be placed at least two feet above the water, and shall be numbered with figures at least three inches in size to correspond with the number of the license possessed by the person setting the line. Any game warden or deputy game warden or person having

License for set lines required.

the powers of the game warden within the provisions of the laws of this state, is authorized to raise at any time, with as little damage as may be, any set line to see if the same is set according to the provisions of this act. The state game warden is hereby authorized and required to furnish to county clerks, upon application, the licenses and tags provided for herein. Any person who shall be convicted of violating the provisions of this act shall, if he possesses a license under the provisions of this act, forfeit the same and shall not be granted another license for the term of three years, and shall be further punished by a fine or imprisonment, as provided by section 4560e. Set lines set in violation of the provisions of this act shall be considered public nuisances.

State game warden to furnish license and tags.

§4 C 311 '99
§6 C 437 '03

Ch. 311 § 4
1903 c 437 § 6

Use of spear.

SECTION 4. It shall be unlawful, and is prohibited, to use a spear for the purpose of taking, catching or killing any fish in the inland waters of the state, except suckers, carp, sheepshead, dogfish, garfish, redhorse, sturgeon, catfish and bullheads, and other fish not protected by the laws of the state. And it shall be unlawful to use a spear for the taking of these fish so mentioned and excepted only in the daytime. Any person who shall use a spear for the purpose of taking or attempting to take any fish of the varieties protected by the laws of the state, or who shall use said spear in such taking or attempting to take at any other time than in the day time shall be deemed guilty of a misdemeanor and be punished by a fine of not less than ten nor more than fifty dollars, or by imprisonment in the county jail not less than thirty nor more than ninety days.

§5 C 311 '99
§16 C 437 '03

Ch. 311, § 5
1901, c 53

Ch. 311 § 5
1903 c 437 § 16

Fishing through ice.

SECTION 5. Section 4560g of the Wisconsin statutes of 1898, is hereby amended to read as follows: section 4560g. Any person who shall fish through the ice on any of the inland waters of this state with more than five lines to each person, and with more than one hook to any line, or who shall construct upon the ice of said waters except Sturgeon bay, Geneva lake, in Walworth

county, and Winnebago lake, and the Mississippi river, any building or enclosure of any nature whatsoever which shall conceal the person of the occupant while engaged in fishing through the ice, or who shall occupy any building or enclosure while engaged in so fishing, shall be punished by a fine of not less than twenty dollars nor more than fifty dollars, or by imprisonment in the county jail not more than thirty days.

Close season in certain waters.

§6 C 311 '99 repealed §3 C 437 '03

§6 C 311 '99 §1 C 307 '01

Ch. 311, § 6 1901, c 307

Ch. 311 § 6 Repealed. 1903 c 437 § 6

SECTION 6. It shall be unlawful, and is prohibited, for any person to fish in any of the waters in Walworth county (excepting Geneva lake), in Pewaukee lake, in Waukesha county, or in Devil's lake, Sauk county, between the first day of December and the twenty-fifth day of May next succeeding. Any person who shall violate any of the provisions of this section shall be punished by a fine of not less than ten dollars nor more than twenty-five dollars, or by imprisonment in the county jail for not more than ten days.

Use of net in outlying waters.

§7 C 311 '99 §18 C 437 '03

§7 C 311 '99 §25 C 358 '01

Ch. 311, § 7 See 1901 c 358 § 25

Ch. 311 § 7 1903 c 437 § 18

SECTION 7. Section 4560j of the Wisconsin statutes of 1898, is hereby amended to read as follows: section 4560j. Any person who shall set or cause to be set in the waters of Lake Superior within one mile of the main shore thereof, within the jurisdiction of this state or in the entire Chequamegon Bay, or waters south of an east and west line drawn from the extreme northwest end of Long Island or Chequamegon point to the mainland in Bayfield county or in the waters of Lake Michigan, commencing at the state line south and running north to the north line of Racine county, any seine, gill, pound or fyke net, shall be punished by a fine of not less than twenty-five dollars and not more than one hundred dollars or by imprisonment in the county jail not less than thirty days nor more than three months.

Bass in Green bay.

SECTION 8. Section 4561e of the Wisconsin statutes of 1898 is hereby amended to read as follows: section 4561e. It shall be unlawful and is prohibited for any person to take bass of any kind by means of nets in the waters of Green

Bay. Any person who shall violate any provision of this section shall be punished by a fine of not less than ten dollars nor more than fifty dollars and shall be imprisoned until such fine is paid, not exceeding sixty days.

Close season for deer.

89 C 311 '99
817 C 437 '03

89 C 311 '99
89 C 358 '01

Ch. 311, § 9
1901 c 358 § 9

Ch. 311 § 9
1903 c 437 § 17

Ch. 311 § 9
See 05 c 436

SECTION 9. Section 4562d of the Wisconsin statutes of 1898, is hereby amended to read as follows: section 4562d. Any person who shall take, pursue or kill, by any kind of device or contrivance whatever, or pursue with intent to take, kill or worry any deer, buck, doe or fawn between the twentieth day of November and the succeeding first day of November, in the year following (all of the year excepting the first twenty days of November being thereby intended to be included in the closed or prohibited season for such animals), or who shall hunt deer, buck, doe or fawn at any time with dogs or in the night time, or in either of the counties of Sheboygan and Fond du Lac until after April tenth, A. D. 1902, or who shall kill or capture any deer, buck, doe or fawn, or attempt to kill or capture such, in the waters or on the ice of any of the streams, lakes or ponds within the jurisdiction of this state at any time, or who shall take, catch or kill, or attempt to take, catch or kill any deer, buck, doe or fawn by means of any pit, pitfall or trap at any time; or who shall make use of any artificial light in hunting deer; or have in possession the skin of any deer when it is in its red coat, or of any fawn when it is in its spotted coat; or who shall kill more than two deer in any one year, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail not less than two months nor more than six months, or by both such fine and imprisonment in the discretion of the court.

Prohibited methods of hunting.

Harmless birds.

SECTION 10. Section 4565, Wisconsin statutes of 1898, is hereby amended to read as follows: section 4565. Any person who shall catch or kill at any time, or for any purpose whatever, except as authorized by law, any whippoorwill, night-

hawk, bluebird, finch, thrush, robin, lark, turtle dove, or any other harmless bird shall be punished by a fine of not more than fifty dollars or by imprisonment in the county jail for not more than thirty days, provided, that this section shall not apply to blackbirds, crows, English sparrows or pigeons for trapshooting.

Hunting on another's land.

SECTION 11. Scetion 4565d, Wisconsin statutes of 1898, is hereby amended to read as follows: section 4565d. Any person who shall enter into any growing or standing grain, not his own, with firearms or permit his dog to enter into any such grain, without the permission of the owner or the occupant of the land upon which such grain is situated, or who shall hunt or shoot upon any land of another, after being notified not to hunt or shoot thereon, shall be punished by a fine of not less than five dollars nor more than ten dollars, and in default of payment thereof shall be imprisoned in the county jail not less than ten days nor more than thirty days. No person shall enter any land inclosed by a fence, and belonging to another, which said enclosure is kept and maintained as a deer park or game preserve by the owner thereof, and hunt or shoot therein without the consent of the owner of such enclosure, and any person who shall hunt, or kill any deer or game within such park or preserve at any season of the year shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be fined not less than ten nor more than twenty-five dollars, and costs of prosecution, and in default of payment of such fine and costs he shall be imprisoned in the county jail not less than fifteen days nor more than thirty days; provided, that this section shall not limit or in any way affect civil liability on account of such trespass. Nor shall any person having posted notices as heretofore provided in this section enter upon the premises of another for the purpose of hunting or killing protected game, whether the land is cultivated or uncultivated, without first having ob-

Penalty for trespass.

tained the permission of the owner of such premises, under the penalty as heretofore provided in this section. Any owner or occupant of land may give the notice provided for in this section by maintaining sign-boards, at least one foot square, containing such notice, upon at least every forty acres of the premises sought to be protected, in at least two conspicuous places, or by giving personal, written or verbal notice.

Notice of owner.

'812 C 311 '99 See 81 C 300 '01

Ch. 311, § 12 See 1901 c 300

Possession of fish or game during close season.

SECTION 12. Section 4565e, Wisconsin statutes of 1898, is hereby amended so as to read as follows: section 4565e. Any person who shall have in his possession or under his control any variety of fish, animals, game or birds, except whitefish and lake trout, during the close season prescribed by law therefor (except alive) or any carcass or flesh thereof; and any keeper of a hotel, restaurant or boarding house who shall serve to any of his guests any such fish, venison, animals, game or birds, except whitefish and lake trout in his possession or under his control during the close season therefor, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail not less than thirty days nor more than ninety days. Such possession or control of the birds, fowls or animals protected by the laws of the state during the closed season therefor is prohibited, and the penalty herein contained attaches thereto, whether the said fish, birds, fowls or animals were taken within or without this state, or lawfully or unlawfully taken. Section 4565f. Provided, however, that any person residing in this state who shall lawfully kill any deer, may keep and consume the meat thereof in his own family by serving a written notice on the game warden or the nearest deputy game warden on or before the last day of the open season for killing the deer, which notice shall state as nearly as may be when and where said deer was killed and the number of pounds of venison then in his possession and that the same is to be kept and used for his own family.

Possession of deer lawfully killed.

SECTION 13. Section 4566, Wisconsin statutes of 1898, is hereby amended to read as follows: section 4566. Any person who shall sell, or offer for sale, or purchase, or have in possession any fish, game, birds, fowls or animals, except whitefish and lake trout, protected by the laws of this state at any time during the close season prescribed therefor, respectively, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail not less than thirty days nor more than ninety days.

Selling in close season

§13 C311 '99
See
§23 C 437 '03
§1 C 449 '03

Ch. 311 § 13
See 1903 c 437
§ 23
See 1903 c 439

SECTION 14. It shall be unlawful and is prohibited to buy, sell or transport any carcass or part of a carcass of a deer, buck, doe or fawn, until the sixth day of November in each year, and it shall be lawful and is permitted to buy, sell or transport the carcasses of deer under the conditions provided by law relative to the transportation of the same, up to and including the twenty-fifth day of November succeeding the end of the open season. Any person who shall buy, sell or transport before the sixth day of November in each year, any carcass or part of a carcass of a deer, buck, doe or fawn, or attempt to do the same, shall be punished by a fine of not less than ten nor more than fifty dollars, and by imprisonment until the fine is paid, not more than thirty days.

Transportation of deer.

§14 C 311 '99
§25 C 437 '03

§14 C 311 '99
§14 C 358 '01.

Ch. 311, § 14
1901, c 358,
§ 14

Ch. 311 § 14
1903 c 437 § 25

SECTION 15. The commissioners of fisheries, or other persons authorized by law to propagate fish, shall have the power and are authorized to take fish at all seasons of the year from the outlying waters of the state for stocking other waters or for the purpose of securing eggs for artificial propagation; and shall dispose of said fish in such manner as they deem to be to the best interest of the state; provided, however, that no such fish shall be taken except in the presence of the superintendent of fisheries or his agent, authorized in writing.

Commissioners of fisheries authorized to take fish at all times.

§15 C 311 '99
re-enacted
§19 C 437 '03

§15 C 311 '99
Repealed
§1 C 407 '01

Ch. 311, § 15
Repealed.
1901, c 407
109 507 518

Ch. 311 § 15
Re-enacted.
1903 c 437 § 19

SECTION 16. All acts or parts of acts in conflict with this act are hereby repealed.

SECTION 17. This act shall take effect and be in force from and after its passage and publication.

Approved May 2, 1899.

No. 286, S.] [Published May 3, 1899.

CHAPTER 312.

Ch. 312
See 1899 c 408
§ 3
106 217

AN ACT to amend the Wisconsin statutes of 1898 relative to fish and game, and licenses for the hunting and shipment thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

§1 C 312 '99
§1 C 358 '01

Ch. 312, § 1
1901 c 358 § 1

Appointment of deputy game wardens.

SECTION 1. Section 1498a, Wisconsin statutes of 1898, is hereby amended to read as follows: section 1498a. The said warden may appoint, by and with the approval of the governor, thirty special deputy wardens who shall have like authority with the state fish and game warden in the enforcement of the laws relative to fish and game. At least two and not more than four of said special wardens shall be appointed from each congressional district. Such special wardens may be removed by the state fish and game warden at any time and their places filled in like manner as at the original appointment.

County deputies.

SECTION 2. Section 1498b, is hereby amended so as to read as follows: section 1498b. Whenever the county board of any county shall by resolution authorize the appointment of county wardens, and shall fix the number of the same it shall be the duty of the county judge, district attorney and county clerk, acting as a board of appointment, to select the persons for such positions and certify their names to the

state fish and game warden, who shall, if in his judgment such persons will make competent and efficient deputy wardens, issue commissions as deputy wardens to such persons so designated. The compensation of each of said deputy wardens so apointed for such county shall be fixed by the board appointing the same, and be paid out of the county treasury the same as salaries of other county officers.

Deputies to make statement of transactions.

Ch. 312, § 3
See 1901 c 408 § 3

SECTION 3. All deputy wardens, whether special or county, shall make to the state fish and game warden full and complete reports of their transactions as such, according to the demand of the state fish and game warden, and shall at all times be held subject to his direction and control in the performance of their duties. They shall also gather and transmit to the state fish and game warden any and all statistical information relative to fish and game as said state fish and game warden shall from time to time call for.

Per diem and expenses of deputies.

§4 C 312 '99
§2 C 358 '01

Ch. 312, § 4
1901 c 358 § 2
Ch. 312 § 10
1901 c 358 § 3
§ 3

SECTION 4. The thirty special deputy wardens shall each receive a per diem to be fixed by the state warden, by and with the approval of the governor, which per diem shall include pay for such days as each such deputy shall be under the direct order of the state warden to perform services in the enforcement of the fish and game laws, and upon certificate of said warden that such services have been actually rendered at his instance and under his direction. In addition to the per diem provided for, such deputies shall receive their actual necessary expenses incurred while working under the direction of the state warden, which expenses shall be paid upon vouchers therefor approved by the governor and countersigned by said state fish and game warden.

Disposition of fines.

SECTION 5. Section 1498h, of the Wisconsin statutes of 1898 is hereby amended to read as follows: Section 1498h. The fines collected under the laws regulating the taking, possession, killing or transportation of fish and game, including the violations of the acts relative to

the granting and holding of licenses to hunt certain game, shall be paid by the magistrate to the county treasurer, and one-third of said amounts so received as fines shall be by said treasurer designated and set apart as a fund for the protection of fish and game and to reimburse the county for the moneys which it shall expend for the enforcement of the fish and game laws.

Seizure and disposal of fish and game.

SECTION 6. Section 1498k, Wisconsin statutes of 1898, is hereby amended by adding at the end thereof the following: The right to have in possession and dispose of such fish or game so seized and sold shall expire five days after the date of the sale, and the protection to the purchaser given by this section shall then cease.

Report of state warden.

SECTION 7. Section 1498l, Wisconsin statutes, is hereby amended to read as follows: Section 1498l. On or before the thirty-first day of December in each year the state fish and game warden shall report to the governor the transactions of his department, including the work of himself and deputies and such other information as may be valuable to the state concerning the enforcement of the fish and game laws during the year preceding.

Public nuisance.

SECTION 8. Sub-division 6, section 1498o, Wisconsin statutes of 1898, is hereby amended to read as follows: Sub-division 6, section 1498o. Any boats, lamps or lights when used in the unlawful taking or attempting to take fish or game.

Decoys.

SECTION 9. Sub-division 10, section 1498o, Wisconsin statutes of 1898, is hereby amended to read as follows: Sub-divisions 10, section 1498o. All decoys set in any of the waters of the state, during the close season for the hunting of any variety of water-fowl as prescribed by law, and any decoys set in the water more than two hundred feet from the cover, which said cover shall be construed to mean the weeds, rushes or other vegetation in which the hunter may locate, or any place in which the hunter shall wholly or partially conceal himself.

§10 C 312 '99
§3 C 658 '01

SECTION 10. Section 1498p, Wisconsin stat-

Ch. 312 § 10
1901 c 358 § 3

utes of 1898, is hereby amended to read as follows: Section 1498p. The secretary of state shall issue licenses for the hunting of game in the manner and under the conditions hereinafter stated. All such licenses issued to non-residents shall be countersigned by the state fish and game warden. All fees for such licenses shall be paid to the secretary previous to the issuing thereof, and shall be by him paid to the state treasurer. The secretary of state shall procure the printing of all licenses for the hunting of game, and a record of such licenses issued to non-residents shall be kept in the office of the fish and game warden. All licenses to persons who are residents of the state shall be numbered consecutively at the time they are printed, and shall be furnished by the secretary of state to the clerks of the several counties in the state. Such clerks shall issue the same upon the terms and conditions hereinafter provided. Two forms of licenses for non-residents shall be issued, to-wit: One for hunting of deer, and the other for the hunting of game protected by the laws of the state with the exception of deer. Provided, that a person holding a license for the hunting of deer is hereby authorized to hunt for any game protected by the laws of the state during the seasons and under the conditions prescribed by law, and during the calendar year in which such license is issued.

Preparation and issuance of licenses to hunt.

SECTION 11. Section 1498q, Wisconsin statutes of 1898, is hereby amended so as to read as follows: Section 1498q. Each license for the hunting of game issued under the provisions of law shall state for what year the same is granted, and shall be valid for no other period, nor for any time or season than that which the law shall designate to be the open season for game permitted to be hunted, taken or killed by the terms of such license, subject to the proviso that all kinds of game can be hunted in their season and under the conditions of law by a person holding a license for the hunting of deer. The licenses for non-residents of the state for the

Form of license.

§11 C 312 '99
See
§28 C 358 '01

Ch. 312, § 11
See 1901 c 358
§ 28

Non-resident licenses.

hunting of deer and the general game licenses for non-residents of the state shall each be numbered consecutively when issued from the office of the secretary of state, and be upon paper of color differing the one from the other; and both of these licenses provided for non-residents shall differ essentially in color from the licenses provided to be furnished to residents. The licenses shall contain the name and place of residence of the licensee, and such other matter and information as may be required by the secretary of state and the state fish and game warden, to identify the licensee or more perfectly guard against violations of law. The licenses issued to persons not residents of this state shall recite that the licensee is a non-resident of the state; those prepared for issuance to residents of the state shall state that the licensee is a resident; all coupons or stubs shall contain like information. Each license issued by the county clerks shall be provided with two stubs, indicating the number of the license, to whom granted, the residence of the licensee, and such other information as may be required by the secretary of state and state fish and game warden. One of such stubs shall be detached by the clerk issuing the license and shall be sent to the state fish and game warden by him; the other stub shall be retained in the office of the county clerk and become a part of the records. Each license for the hunting of deer, issued to a non-resident of the state, shall be provided with two coupons containing the essential information of the license relative to the number of the license and the licensee, and such other information as the secretary of state and the state fish and game warden may determine to embody therein, including the express statement that the licensee is a non-resident of the state. Each coupon shall be divided into three sections, lettered "A," "B" and "C," respectively. The holder of a non-resident license shall be entitled to offer for transportation and have transported within or without the state by a common carrier

Duty of county clerk.

Use of coupons.

of this state one carcass of a deer or part of a carcass of a deer on each of the two coupons attached to his license. The agent receiving the carcass or part of a carcass for transportation shall detach section "A" of the coupon on which the same is to be transported, and forward said section to the state fish and game warden. Section "B" and "C" are to be attached to the carcass or part of carcass of deer received for transportation, and all three sections of the coupon must be canceled by the said receiving agent with the date of reception for shipment and his initials written or stamped plainly thereon. While in transit within the state, sections "B" and "C" of the coupon must be on the carcass of deer or part of carcass of deer or the said carcass or part of carcass shall be subject to seizure as contraband game. If the place of delivery of said carcass or part of carcass is within the state of Wisconsin, the delivering agent of the common carrier or transportation company, shall before the delivery to the consignee, detach section "C" of the coupon, and forward said section to the state fish and game warden, leaving section "B" attached to the carcass or part of carcass. The receiving and delivering agents or employes of transportation companies or common carriers required to transmit to the state fish and game warden sections of the coupons as herein required must so transmit the same within two days of the date of shipment or delivery respectively. If the carcass or part of carcass of deer be consigned to a point without the state of Wisconsin the agent, servant or employe of the transportation company or common carrier who shall be in charge of the carcass or part of carcass while in transit within the state, shall detach section "C" of the coupon, and deliver the same to the agent, servant or employe of the transportation company or common carrier at the last station or place in the state where the train or other conveyance of the said transportation company or common carrier shall stop, and it shall be the duty of the said agent, ser-

Duty of transportation agents in relation to coupons.

vant or employe of the said transportation company or common carrier to whom said section of the coupon is delivered to immediately forward the same to the state fish and game warden, after writing or stamping thereon the name of the station or place and date of reception thereat of said section of said coupon. Any agent, servant or employe of any transportation company or common carrier who shall receive for shipment or transport, or have in his possession with intent to ship or transport any carcass of deer or part of carcass of a deer without having the coupons or sections of coupons attached thereto as herein provided, or who shall refuse or neglect to detach the sections of the coupons as herein provided, or who shall fail to transmit or forward to the state fish and game warden as herein provided the sections by him detached, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail not less than thirty days nor more than three months, or by both such fine and imprisonment in the discretion of the court. No transportation company or common carrier shall receive for transportation, or transport or attempt to transport any carcass of deer or part of a carcass of deer unless the same shall be received for transportation, carried and delivered pursuant to the provisions of this section relative to the coupons and parts of coupons, and shall only be received for shipment, carried or delivered during the season or time which the laws of the state shall fix as the open season for the transportation of carcasses of deer or parts of carcasses of deer.

Restrictions as to transportation companies.

Non-resident, who is.

Ch. 312, § 12 1901, c 358, § 10

SECTION 12. Section 1498r, Wisconsin statutes of 1898, is hereby amended to read as follows: Section 1498r. Every person who has not resided in this state for one year previous to the time of applying for a license to hunt any of the game protected by the laws of the state of Wisconsin shall, for the purposes of obtaining a license to hunt game, be considered a non-resident thereof and shall, in order to be entitled to

a license for the pursuing or killing of game in this state during the seasons or times which the law permits the hunting, pursuit or killing of game, pay to the secretary of state the following sums, to-wit: For a license to hunt deer in the season therefor as fixed by law, which said license shall include permission to hunt any and all other kinds of game protected by law, in the several seasons or times fixed therefor, twenty-five dollars; for the hunting of all kinds of game protected by the laws of the state, in the seasons or times fixed therefor by law, with the exception of deer, ten dollars. The application for either of such licenses shall state the residence of the applicant and answer such other questions or give such other information as may be required by the secretary of state and the state fish and game warden and be verified by the affidavit of the applicant that the residence stated and the answer made or information given are true.

Fee for licenses.

SECTION 13. Section 1498s, Wisconsin statutes of 1898, is hereby amended so as to read as follows: Section 1498s. Every person who has resided in this state for one year previous to applying for a license to hunt game and who desires to hunt the same must first obtain a license from the county clerk of the county in which he resides, which said license shall be issued by said county clerk, under seal, upon blanks furnished by the secretary of state. Said license shall certify that the licensee is a bona fide resident of the state of Wisconsin and give a description of such person such as shall be required by the secretary of state and the state fish and game warden in the blank licenses furnished to said county clerk. The applicant for such license shall show that the licensee is a resident of this state, shall give his residence and his postoffice address, shall contain a description of his person, and such other information as shall be required by the secretary of state and the state fish and game warden, shall be verified by the affidavit of the applicant and some

License for resident, form of.

resident of the county other than himself acquainted with the facts as set forth in the application. The county clerk shall receive with each such application for license the sum of one dollar, ten cents of which he shall retain and the remainder he shall transmit to the state treasurer. The license so issued to any resident of this state shall have attached two coupons for the shipment of deer. Each coupon shall be divided into two sections lettered "A" and "B" respectively. The holder of a resident coupon license shall be entitled to offer for transportation or have transported within the state by a common carrier of this state one carcass of a deer or part of carcass of deer on each of the two coupons attached to his license. The agent receiving the carcass or part of carcass for transportation shall detach section "A" of the coupon on which the same is to be transported and forward said section to the state fish and game warden. Section "B" is to be attached to the carcass or part of carcass of deer received for transportation and the two sections of the coupon must be cancelled by the said receiving agent with the date of reception for shipment and his initials written or stamped planly thereon. While in transit, section "B" of the coupon must be on the carcass or part of carcass of deer or the said carcass or part of carcass of deer shall be subject to seizure as contraband game. The receiving agent or employe of transportation companies or common carriers are required to transmit to the state fish and game warden section "A" of the coupon as herein required, must so transmit the same within two days of the date of shipment. Any agent, servant or employe of any transportation company or common carrier who shall receive for shipment or transport any carcass of deer or part of carcass of deer without having the coupon attached thereto as herein provided, or who shall refuse or neglect to detach section "A" of the coupon as herein provided, or who shall fail to transmit or forward to the state fish

Fee of county clerk.

Use of coupons

Duty of transportation agents in relation to coupon.

and game warden as herein provided the section by him detached, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars or by imprisonment in the county jail not less than thirty days nor more than three months, or by both such fine and imprisonment, in the discretion of the court. No transportation company or common carrier shall receive for transportation, or transport or attempt to transport any carcass of deer or part of a carcass of deer unless the same shall be received for transportation, carried and delivered pursuant to the provisions of this section relative to the coupons and parts of coupons, and shall only be received for shipment, carried or delivered during the season or time which the laws of the state shall fix as the open season for the transportation of carcasses of deer or parts of carcasses of deer.

Restrictions as to transportation companies.

SECTION 14. It shall be unlawful and is hereby prohibited for any non-resident of this state to hunt for, pursue, take, catch or kill any of the animals, fowls or birds protected by the laws of this state without having in his possession at the time of such taking, catching or killing a license therefor duly issued to him under the provisions of this act. Only one license shall be issued to any person in any one year, except the same shall have been destroyed and a duplicate shall be issued upon proper proof.

Non-residents to have license to hunt.

§ 14 C 312 '99
§ 5 C 358 '01

Ch. 312, § 14
1901 c 358 § 5

SECTION 14a. It shall be unlawful, and is hereby prohibited, for any resident of this state to hunt for, pursue, take, catch or kill any of the aquatic fowls or deer protected by the laws of this state or to pursue, take, catch or kill any of the other fowls or birds protected by the laws of this state with dog or dogs, without having in his possession at the time of such pursuing, taking, catching or killing, a license therefor duly issued to him under the provisions of this act.

Residents to have license to hunt.

14a C 312 '99
§ 4 C 358 '01

Ch. 312 § 14a
1901 c 358 § 4

SECTION 15. Section 1498t, Wisconsin statutes of 1898, is hereby amended to read as follows: Section 1498t. The state fish and game

Access to records.

warden, or either of his deputies may, at any time examine the records of licenses issued by county clerks.

SECTION 16. Section 1498u, Wisconsin statutes of 1898, is hereby repealed.

Amount of game that may be killed by non-resident.

SECTION 17. It is unlawful and is prohibited for any person holding a non-resident license as herein described to take out of the state more than fifty birds, fowls or animals, protected by the laws of this state, in any one year. Provided, that this section shall be construed to mean that when fifty birds, fowls or animals of any kind or variety have been taken from the state by holder of a non-resident license further right to take any kind of birds, fowls, or animals by the holder of the said license shall cease. No transportation company or common carrier shall receive for transportation or shipment out of the state any birds, fowl or animals protected by the laws of the state, except when the same shall be in the personal possession of, or carried as baggage or express by the owner thereof, and such owner shall have in his possession at the time of such taking out of the state a non-resident license duly issued to him under the provisions of law, and shall accompany the said birds, fowls or animals on the same train or other conveyance of the common carrier beyond the borders of the state. Any person who shall violate any of the provisions of this section shall be punished by a fine of not less than fifty nor more than two hundred dollars, or by imprisonment in the county jail not less than sixty days nor more than six months, or by both such fine and imprisonment in the discretion of the court.

Transportation of game.

Shipment of game by residents.

§18 C 312 '99
§13 C 358 '01

Ch. 312, § 18
1901, c 358,
§ 13

SECTION 18. It is unlawful and is prohibited for any person a resident of this state to ship within or without this state any birds, fowls or animals protected by the laws of this state, except when the same shall be in the personal possion of or carried as baggage or express by the owner thereof, and such owner shall have in his possession a resident license duly issued to him

under the provision of law, and shall accompany the said birds, fowls or animals on the same train or other conveyance. Any person who shall violate any of the provisions of this section shall be punished by a fine of not less than fifty dollars nor more than two hundred dollars, or by imprisonment in the county jail not less than sixty days nor more than six months or by both such fine and imprisonment in the discretion of the court.

Packages containing game to be labeled.

§19 C 312 '99
§16 C 358 '01
See
§22 C 358 '01

Ch. 312, § 19
1901, c 358,
§ 16
See 1901 c 358
§ 22

SECTION 19. It is hereby required that any and all packages containing fish or game shall be labeled in plain letters on the address side of the package, so as to disclose the fact that said package contains fish or game, and the nature of the said fish or game so contained in said package. Any person who shall deliver to a common carrier for transportation any package or parcel containing fish or game, which said package or parcel shall not be so labeled as herein required, or who shall place upon said package or parcel a false statement as to the contents thereof, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail not less than thirty days, nor more than ninety days, or by both fine and imprisonment.

Address of owner on package.

§20 C 312 '99
§17 C 358 '01

Ch. 312, § 20
1901, c 358,
§ 17

SECTION 20. Every person delivering to a common carrier a package or parcel containing fish or game, shall place upon said package the name and address of the owner or consignor of said package or parcel. Any person violating the provisions of this section, shall upon conviction thereof, be punished by a fine of not less than ten dollars, nor more than fifty dollars.

Transportation without label prohibited.

SECTION 21. It shall be unlawful and is hereby prohibited for any common carrier or agent, servant or employe of a common carrier, to receive for transportation or transport any package or parcel containing fish or game unless the same shall be labeled as provided in sections 19 and 20 of this act. Any person, firm or corporation violating the provisions of this section shall be required to forfeit to the state of Wisconsin a sum

not less than twenty-five dollars nor more than one hundred dollars, in the discretion of the court.

Examination of shipments by wardens.

SECTION 22. It shall be within the power of every officer charged with the enforcement of laws protecting fish and game to examine and open any package in the possession of a transportation company, which said package he shall suspect or have reason to believe contains contraband fish or game. It is hereby made the duty of every common carrier, agent, servant or employe thereof, to permit any officer charged with the enforcement of laws for the protection of fish and game to examine and open any package or parcel in the possession of said common carrier, or agent, servant or employe thereof, which the said officer so charged with the enforcement of said laws shall suspect or have reason to believe contains fish or game protected by the laws of the state, and not entitled under such law to be transported, or when the said officer shall suspect or have reason to believe that the said package or parcel is falsely labeled. Any person, firm or corporation refusing to an officer charged with the enforcement of the fish and game laws permission to examine or open any such package or parcel or shall in any manner hinder or impede such action by the said officer, shall forfeit to the state of Wisconsin a sum not less than fifty dollars nor more than one hundred and fifty dollars, in the discretion of the court.

Penalty for transportation in closed season.

SECTION 23. It shall be unlawful and is hereby prohibited for any person, firm or corporation acting as common carrier to bring into this state any fish or game from any state during the time that such other state prohibits the transportation of such fish or game from said state to a point without the same. Any person, firm or corporation violating the provisions of this section shall be required to forfeit to the state the sum of not less than twenty-five dollars nor more than one hundred dollars in the discretion of the court.

SECTION 24. Any officer of any other state who

is by the laws of said state authorized or directed to enforce the fish and game laws of said state is hereby designated and declared an agent of said state within this state. And it shall be lawful for said officer to follow any fish or game unlawfully shipped or taken from his state into this state and seize the same, and convey the same back to his own state, and so far as concerns said fish or game so shipped or brought from said state into this state, the laws of the state from which the same was brought in to this state shall be declared to be and are hereby constituted the laws of this state concern[ing] such fish or game. And transportation companies are hereby authorized to deliver to such officer of another state, upon submission of proper proof of his official capacity, any fish or game so demanded or seized by him, and he, the said officer, is hereby authorized to take with him such fish or game to his own state. Or the said agent may dispose of said fish or game within this state, in accordance with the laws of the state from which the same was shipped, such disposition to be made under the supervision of an officer of this state authorized and directed to enforce fish and game laws, and the expenses of such officer for his assistance shall be made a lien upon such fish or game, or the proceeds thereof.

Wardens made agents of state.

SECTION 25. It shall be unlawful and is prohibited to have in possession during the close season therefor, any of the varieties of fish or game protected by the laws of this state, except whitefish and lake trout, whether the same shall have been lawfully or unlawfully taken, and it is hereby made the duty of any owner or occupant of any cold-storage warehouse or building used for the storage or retention of fish or game to permit the entry and examination of the premises by any officer authorized to enforce fish and game laws. And the said owner, occupant, or agent or servant, or employe thereof, shall deliver to said officer or agent any fish or game in his possession during the close season therefor, whether the

Possession of fish and game during close season.

25 C 312 '99
See
31 C 300 '01

Ch. 312, § 25
See 1901 c 300
§ 1

same shall have been taken within or without this state, and whether the same shall have been taken lawfully or unlawfully. Any person who shall have in his possession or under his control any fish or game protected by the laws of this state, or who shall refuse to permit any officer charged with the enforcement of fish and game laws, entry into any cold-storage warehouse, and possession of any fish or game therein contained, during the close season for such fish or game, shall be punished by a fine of not less than fifty dollars, nor more than one hundred and fifty dollars, or by imprisonment in the county jail not less than sixty days nor more than four months, or by both such fine and imprisonment.

Possession of lawfully killed deer.

SECTION 25a. Any person residing in this state who shall lawfully kill any deer may keep and consume the meat thereof in his own family by serving a written notice on the game warden or the deputy warden on or before the last day of the open season for killing of deer, which notice shall state as near as may be when and where said deer was killed and the number of pounds of venison then in his possession, and that the same is to be kept and used for his own family.

Title of fish and game in state.

SECTION 26. Section 4560, Wisconsin statutes of 1898 is hereby amended to read as follows: The ownership of and the title to all fish and game in the state of Wisconsin is hereby declared to be in the state, and no fish or game shall be caught, taken or killed in any manner or at any time, or had in possession except the person so catching, taking, killing or having in possession shall consent that the title to said fish and game shall be and remain in the state of Wisconsin for the purpose of regulating and controlling the use and disposition of the same after such catching, taking or killing. The catching, taking, killing or having in possession of fish or game at any time, or in any manner, or by any person, shall be deemed a consent of said person that the title of the state shall be and remain in the state for said purpose of regulating the use and disposi-

tion of the same, and said possession shall be consent to such title in the state whether said fish or game were taken within or without this state.

Powers of game wardens of other states.

SECTION 27. The state game warden of every other state, and his deputies and all other officers charged with the enforcement of fish and game laws are hereby designated the agents of this state for the taking possession of, seizing, holding and disposing of any fish and game protected by the laws of this state.

Shipments into the state.

SECTION 28. It shall be unlawful and is prohibited for any person, firm or corporation or common carrier to ship into, or through this state from any other state any fish or game prohibited by the laws of said state to be shipped or transported and it shall be the duty of the state fish and game warden of this state or his deputy, to seize, hold, and dispose of, according to the laws of this state, any fish or game brought into or shipped into this state, or carried through, or attempted to be carried through this state, prohibited to be so shipped or transported by the laws of any other state, and further to dispose of the same according to the laws of this state. Any person, firm or corporation violating the provisions of this act shall be required, upon due proof thereof, to forfeit a sum not less than twenty-five dollars nor more than one hundred dollars, in the discretion of the court.

Liability of state in compensation of wardens.

SECTION 29. All such license money so received shall be set aside by the state treasurer and shall constitute a fund for the payment of the special deputy game wardens. The liability of the state for per diem salaries and expenses of deputy game wardens appointed under this act or otherwise and for all other services and expenses incurred, for any purpose under or in consequence of this act shall be limited to the license fees paid in pursuance of this act, and in no event shall the state pay any such salaries or expenses or be liable in any manner therefor. Except to the extent of such license fees received by it under this act, any contract, express or implied, of the

game warden to the contrary notwithstanding. And said game warden shall not issue any voucher, nor shall the governor approve any voucher, if issued by said warden, under the provisions of this act or otherwise for any such per diem, salary, services or other expenses of any kind unless the money to pay such voucher received for licenses issued under this act, shall at the time be on hand to pay the same.

SECTION 30. All acts or parts of acts conflicting with the provisions of this act are hereby repealed.

Hunting deer without license in possession; transfer of.

SECTION 30a. Section 4562a of the Wisconsin statutes of 1898, is hereby amended to read as follows: section 4562a. Any person who shall pursue, hunt or kill game protected by the laws of this state without being at the time of such pursuing, hunting or killing in possession of a license duly issued to him, which license shall cover the period in which he shall be so pursuing, hunting or killing such game, or who shall furnish to another person, during the open season for such game or permit such another person to have, during such season, a license issued to him, shall be fined not less than fifty dollars nor more than two hundred dollars, or be imprisoned in the county jail not less than two months nor more than six months.

SECTION 31. This act shall take effect and be in force from and after September first, 1899.

Approved May 2, 1899.

No. 206, S.] [Published May 4, 1899.

CHAPTER 313.

AN ACT providing for the sale of pure milk and cream and for the preservation of the public health.

Ch. 313
05 c 66

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Feed of cows.

SECTION 1. No person by himself or agent shall offer for sale, furnish or deliver, or have in possession with the intent to sell, or offer for sale, or furnish or deliver, milk or cream drawn from sick or diseased cow or cows kept in filthy and unsanitary condition, or cows fed on refuse or slops from distilleries or vinegar factories, unless such refuse or slop be mixed with other dry sanitary grain or food to a consistency of a thick mush.

Sale of chemically treated milk or cream.

SECTION 2. No person by himself or agent shall offer for sale or furnish or deliver or have in possession with the intent to sell, offer for sale, or furnish or deliver, any milk or cream having therein or containing in any amount any foreign substance or coloring matter or any chemical or preservative, whether for the purpose of increasing the quantity of milk or cream or for improving its appearance, or for preserving the condition of sweetness thereof, or for any purpose whatever, provided that nothing in this act shall be construed to prohibit the sale of pasteurized milk or cream, to which viscogen or sucrate of lime has been added solely for the purpose of restoring the viscosity, if the same be distinctly labeled in such manner as to advise the purchaser of its true character.

Penalty.

SECTION 3. Any person violating any of the provisions of this act shall, upon conviction, be fined not less than twenty-five nor more than one hundred dollars for each and every offense.

SECTION 4. All acts and parts of acts inconsistent with this act are hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved May 2, 1899.

No. 158, S.] [Published May 4, 1899.

CHAPTER 314.

AN ACT to provide for the printing of the report of the Wisconsin Cheesemakers' Association.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Printing of report.

SECTION 1. Section 335e of the revised statutes is hereby re-amended by adding after the words "acting with it," in the twenty-second line, "four thousand copies of the report of the Wisconsin Cheesemakers' association, one thousand to be bound in cloth, the remainder in pamphlet form, provided that the whole number of printed pages shall not exceed two hundred, and the same shall be distributed by the officers of the Wisconsin Cheesemakers' association.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 2, 1899.

No. 271, A.] [Published May 4, 1899.

CHAPTER 315.

AN ACT authorizing Albert Berguer to construct and maintain piers and boom in Oconto river, in Shawano county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Location and purpose of piers and boom.

SECTION 1. Albert Berguer, his successors or assigns, are hereby authorized to construct and maintain a boom for the purpose of holding bolts, ties, logs, posts, and timber in and along the Oconto river along the following described lands to-wit: commencing at the northeast corner of lot number two, of block number three of the plat of the village of Pulcifer; thence running in a southwesterly direction along the west bank of Oconto river to a point where the west bank of Oconto river intersects the north and south quarter line of section number six of township number twenty-seven north, of range number eighteen east, in Shawano county, and to construct piers and piling in said river for the purpose of holding said boom, not more than seven rods east from the west bank of said river, at the north end of said boom, and extending in a southwesterly direction up said river to a point on the north and south quarter line of said section number six, not more than two rods east of the west bank of said river.

SECTION 2. The said Albert Berguer, his successors or assigns, shall construct said piers and boom so as not to obstruct the running and driving of logs, posts, bolts and timber down said river.

SECTION 3. This act may be altered or repealed by the legislature at any time after its passage.

SECTION 4. This act shall take effect and be in force, from and after its passage and publication.

Approved May 2, 1899.

No. 94, A.] [Published May 4, 1899.

CHAPTER 316.

AN ACT to amend section 1941-46, of the Wisconsin statutes of 1898, relating to the reform of fire insurance policies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Wisconsin standard policy.

SECTION 1. Section 1941-46 of the Wisconsin statutes of 1898, is amended by adding to the said section the words "and continuing until the time of the fire," so that said section when amended shall read as follows: "Other Insurance; Increase of Risk. Section 1941-46. This entire policy, unless otherwise provided by agreement endorsed hereon or added hereto, shall be void if the insured now has or shall hereafter make or procure any other contract of insurance, whether valid or not, on property covered in whole or in part by this policy; or if the subject of insurance be a manufacturing establishment and it be operated in whole or in part at night later than ten o'clock, or if it cease to be operated for more than ten consecutive days; or if the hazard be increased by any means within the control or knowledge of the insured; or if mechanics be employed in building, altering or repairing the within described premises for more than fifteen days at any one time; or if the interest of the insured be other than unconditional and sole own-

Other insurance.

ership; or if the subject of insurance be a building on ground not owned by the insured in fee-simple; or if the subject of insurance be personal property and be or become incumbered by a chattel mortgage; or if with the knowledge of the insured, foreclosure proceedings be commenced or notice given of sale of any porperty covered by this policy by virtue of any mortgage or trust deed; or if any change, other than by the death of an insured, take place in the interest, title or possession of the subject of insurance, except change of occupants without increase of hazard, whether by legal process or judgment, or by voluntary act of the insured or otherwise; or if this policy be assigned before a loss; or if illuminating gas or vapor be generated in the described building, or adjacent thereto, for use therein; or if, any usage or custom of trade or manufacture to the contrary notwithstanding, there be kept, used or allowed on the above described premises, benzine, benzole, dynamite, ether, fire-works, gasoline, Greek fire, gunpowder exceeding twenty-five pounds in quantity, naphtha, nitro glycerine, or other explosive, prosphorous or petroleum or any of its products, of greater inflammability than kerosene oil of the Wisconsin standard, which last may be used for lights and kept for sale according to law, but in quantities not exceeding five barrels, provided it be drawn and lamps filled by daylight or at a distance not less than ten feet from artificial light; or if a building herein described, whether intended for occupancy by owner or tenant, be or become vacant or unoccupied, and so remain for ten days and continuing until the time of the fire."

Increase of risk and occupation of premises.

SECTION 2. This act shall take effect and be in force, from and after July 1st, 1899.

Approved May 2, 1899.

No. 428, A.] [Published May 5, 1899.

CHAPTER 317.

AN ACT to provide for the increase of the members comprising school district boards in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

§1 C 317 '99
§1 C 205 '01
Ch. 317, § 1
1901, c 205
Ch. 317 § 1
See 05 c 421

Electors may vote to increase membership, when.

SECTION 1. Any school district containing within its boundaries a city with a population according to the state census of 1895 exceeding fifteen hundred, in which a high school is maintained, and which expended in the year ending July 1st, 1898, in the maintenance of its schools, a sum exceeding four thousand dollars, may upon determining so to do by the vote of the electors present at any annual school meeting held in such school district, have a district board comprising seven members which shall be known as the school board of the city, comprising in whole or in part such district, three of whom shall be the director, treasurer and clerk, as now provided by law, who shall each discharge the separate duties now imposed upon him by law, and shall be elected and hold office for the term now provided by law. And all directors, clerks and treasurers now in office in such districts, shall continue in their respective offices during the full term for which they were elected. The remaining four members of such district board, shall be elected as school district officers are now required to be elected, at the annual school meeting which may adopt this act; two of said four shall be elected for the period of one year and the remaining two for the period of two years, and until their successors have been elected or appointed. At every succeeding annual school meeting in such district, there shall be elected in

Terms and duties of members and school officers.

addition to a director, clerk or treasurer, as the case may be, two of such additional members of such board who shall hold their office for two years and until their successors are elected or appointed. In case of vacancies in the said board, such vacancies shall be filled as now provided for filling vacancies in district boards. All members of said board so elected shall be residents of such school district. Such school boards shall exercise all the powers, and discharge all the duties now imposed upon the district boards of such districts. Regular meetings of said board shall be held, and special meetings thereof may be called upon request of any three members of such board to the clerk, who shall thereupon, at least twenty-four hours before such special meeting is held, give written notice thereof to the remaining members of the board.

SECTION 2. This act shall be in force, from and after its passage and publication, and all statutes conflicting or inconsistent with the provisions of this act are hereby repealed.

Approved May 2, 1899.

No. 541, A.] [Published May 4, 1899.

CHAPTER 318.

AN ACT to provide for a state board of commissioners for the Pan-American exposition, at Buffalo, New York, and to make an appropriation therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. A commission is hereby constituted to be known as the state board of managers

Name of commission.

of the Pan-American exposition, to consist of five persons, residents of Wisconsin.

Members of, how and when appointed.

SECTION 2. The members of such board shall be appointed by the governor, within thirty days after the passage and publication of this act. Said board shall hold its first meeting at such time and place as the governor shall appoint, shall organize by the election of a persident, vice-president, secretary and treasurer and by the adoption of such by-laws and regulations as may be deemed necessary. Any member of the board may at any time be removed by the governor for cause, and any vacancy which may occur therein shall be filled by appointment of the governor. Three members of the board shall constitute a quorum for the transaction of business.

To have no compensation.

SECTION 3. The members of said board shall receive no compensation for their services, but their actual expenses for transportation and subsistence when they are necessarily absent from their homes, shall be paid from the moneys appropriated by this act.

Treasurer of, to give bond.

SECTION 4. The treasurer of the boards shall, before he shall be entitled to receive the moneys hereby appropriated, execute and deliver to the governor a bond in the sum of double the amount of the appropriation, with at least two sureties who shall justify their responsibility, which bond shall be approved by the governor, and conditioned for the faithful performance of the duties of said treasurer, and the faithful accounting to the state of Wisconsin for all moneys which shall come into his hands.

Moneys, how expended.

SECTION 5. No money shall be disbursed by the treasurer, except upon the order of the president of the board, countersigned by the secretary, accompanied by an itemized statement showing upon what account and for what purpose the same is paid. All accounts for traveling expenses and subsistence shall have attached thereto the affidavit of the person claiming the same that such travelling expenses have been actually incurred on account of the business of said board,

and that no claim therefor has been theretofore made.

SECTION 6. The treasurer of the board shall from time to time, whenever called upon by the president of the board, make full report to said board, and the said board shall make a full report of all its proceedings, receipts and expenditures from time to time to the governor at any time upon his written request. Within six months after the close of said exposition, the board shall sell and dispose of all structures, buildings and other property, and file with the said secretary of state a full and complete report and account of all its proceedings, receipts and expenditures, together with all vouchers therefor. The treasurer of the board shall pay over to the secretary of state, all moneys which shall remain in his hands. The secretary of state shall audit his accounts, and if found correct shall endorse his approval thereon, and shall receive such moneys as shall be paid by the said treasurer and turn the same into said treasury.

Report of treasurer.

Closing up of business.

SECTION 7. The duties of said board shall be to provide suitable building or buildings, to be erected upon such space as may be alloted to the state of Wisconsin for its use upon the ground of said exposition, and to the performance of such details relating to the representation of citizens of the state of Wisconsin in the exposition as may be from time to time necessary, and said board shall have charge and control of all buildings and other property of the state when erected, purchased or otherwise acquired or placed in its custody.

Duties of board.

SECTION 8. There is hereby appropriated out of any money in said treasury, not otherwise appropriated, the sum of twenty-five thousand dollars, or so much thereof as may be necessary to carry out the provisions of this act. The said board shall cause from time to time, estimates to be made of the expenses to the payment of which the money is to be applied, which estimate shall be signed by the president, by the secretary

Appropriation of $25,000.

of the board and be filed by the governor, and if the governor shall approve thereof, shall endorse his approval thereupon and file the same with the secretary of state, and thereupon the secretary of state shall audit the same and draw his warrant upon the treasury of the state for the payment of the same, and such estimates shall not exceed in all the sum hereby appropriated to the treasurer of said board for the purpose of carrying out the provisions of this act.

Liability of members and state.

SECTION 9. No member of said board, whether an officer or otherwise shall be personally liable for any debt or obligation which may be created or incurred by said board, and nothing in this act shall be so construed as to create any liability of the state, direct or indirect, for any obligation incurred, nor for any claim for aid or for pecuniary assistance from this state, in support or liquidation of any debts or obligations created by said board in excess of the appropriation made by this act.

SECTION 10. This act shall take effect and be in force, from and after its passage and publication.

Approved May 2, 1899.

No. 302, A.] [Published May 4, 1899.

CHAPTER 319.

AN ACT relating to daily newspapers published in counties and in cities of the third and fourth class.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Ch. 319 Repealed. 1903 c 78 § 2

Qualifications of dailies necessary to publish legal notices.

C 319 '99 repealed 82 C 78 '03

SECTION 1. All publishers of daily newspapers, printed in whole or in part, in a printing office at the place where such daily newspaper purports to be published, in any county, or in any city of the third or fourth class, in the state of Wisconsin, shall not be awarded or be entitled to any compensation or fee for the publishing of any election notice, nomination ticket, summons, order, citation, notice of sale or other notice, and every other advertisement of any description required to be published by law, or in pursuance of any law, or of any order of any court, unless such daily newspaper shall have a bona fide circulation to actual subscribers, of not less than three hundred copies per day, and shall have been regularly and continuously published in such county or such city of the third or fourth class each day, Sundays excepted, for at least two years immediately before the date of such notices.

SECTION 2. All acts or portions of acts, in conflict with the provisions hereof, are hereby repealed.

SECTION 3. This act shall take effect and be in force, from and after its passage and publication.

Approved May 2, 1899.

No. 533, A.] [Published May 4, 1899.

CHAPTER 320.

AN ACT to authorize Abbie Sherry and Frank T. Russell of Neenah, Wisconsin, to build and maintain dams across the Flambeau river in township forty north, of range one west, in the county of Price and state of Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Location of dams.

SECTION 1. Abbie Sherry and Frank T. Russell, of Neenah, Wisconsin, and their successors and assigns, are hereby authorized to build and maintain a dam across the Flambeau river on lots four and five of section thirteen, and lot three of section twenty-four of township forty north, of range one west of the fourth principal meridian; and also, another dam across the Flambeau river from lot six of section twenty-five, town forty north, range one west of the fourth principal meridian, to lot one of section twenty-five, same town and range; and to make use of the hydraulic power furnished by each of said dams.

Height of dams.

SECTION 2. Said dams shall not exceed in height, the height of the dams now built and maintained on said lands, nor shall the same set the water back any further, or have any greater flowage than the dams now existing at said points.

Dams not to be obstructions.

SECTION 3. Said dams shall be so constructed, maintained and operated as not to obstruct or impede the running of logs, lumber, timber and other floatage down said river, and each of same shall be provided with a suitable slide therein for the passage of logs, lumber, timber and other floatage past same.

Application of chapter 146.

SECTION 4. Chapter 146 of the Wisconsin statutes of 1898, commonly called "The Mill Dam Law," shall be and is hereby declared to be appli-

cable to the dams hereinbefore authorized, and to any dams which may be maintained by virtue of this act.

SECTION 5. The power to alter or repeal this act is hereby reserved.

SECTION 6. This act shall take effect and be in force, from and after its passage and publication.

Approved May 2, 1899.

No. 539, A.] [Published May 4, 1899.

CHAPTER 321.

AN ACT to amend section 1797 of the Wisconsin statutes of 1898, to provide for traveling expenses of railroad commissioner and his deputies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

All expenses of commissioner and deputies to be paid.

SECTION 1. Section 1797 of the Wisconsin statutes of 1898, is hereby amended by striking out all of said section after the word "salary" where it occurs in the seventh line thereof, and inserting in lieu of the words so stricken out the following: "all expenses incurred by himself and his deputies in the performance of their duties. The accounts for all payments authorized by this section shall be audited by the secretary of state pursuant to law," so that said section when so amended, shall read as follows: Section 1797. Such commissioner shall keep his office at the capitol, and shall be provided with a suitable room, necessary office furniture, books and maps, and may, when necessary, take to his aid experts

to assist in examining bridges, the expense thereof to be paid out of the state treasury, but the total sum therefor shall not exceed eight hundred dollars per year. He shall be paid out of the state treasury, in addition to his salary, all expenses incurred by himself and his deputies in the performance of their duties. The accounts for all payments authorized by this section, shall be audited by the secretary of state, pursuant to law.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved May 2, 1899.

No. 370, S.] [Published May 2, 1899.

CHAPTER 322.

AN ACT relating to the commissioners of taxation and amendatory of section 7 of chapter 206 of the laws of 1899.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Increasing salary of tax commissioner.

SECTION 1. Section 7 of chapter 206 of the laws of 1899, is hereby amended by striking out the words "three thousand dollars" and inserting in lieu thereof the words "four thousand dollars."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 2, 1899.

No. 174, A.] [Published May 4, 1899.

CHAPTER 323.

Ch. 323
1901, c 389

§1 C 323 '99
§1 C 389 '01

AN ACT to amend section 1058 of the Wisconsin statutes, 1898, by striking out the word "copying" in second line thereof. And relating to errors discovered by assessors.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1058 of the Wisconsin statutes of 1898 is hereby repealed.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Repealing §1058.

Approved May 2, 1899.

No. 543, A.] [Published May 4, 1899.

CHAPTER 324.

AN ACT to provide for an appropriation for the purchase of books for the attorney general's office.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of the general fund the sum of two hundred dollars annually, or so much thereof as may be necessary, to be expended by the attorney general in the purchase of books for a working library for his department.

Appropriating $200 annually.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved May 2, 1899.

No. 544, A.] [Published May 5, 1899.

CHAPTER 325.

Ch. 325
107 606

AN ACT to provide for the interest on town orders in certain cases, and to amend sections 776 and 823 of the Wisconsin statutes of 1898.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Limitation of rate.

SECTION 1. Section 776 of the Wisconsin statutes of 1898 is hereby amended by adding thereto the following words: "Town Orders. 14. To vote upon the question of what rate of interest, if any, the town orders of said town shall draw, provided that the rate of interest upon town orders shall in no case be less than six nor more than eight per centum per annum."

Duty of clerk in issuing orders.

SECTION 2. Section 823 of the Wisconsin statutes of 1898 is hereby amended by adding the following words: "If the electors at the last preceding town meeting shall have voted in favor of having town orders draw interest, the clerk of said town shall, in drawing said orders, plainly state upon the face of said orders the rate of interest fixed by vote of the electors as aforesaid and the said orders shall draw interest at the rate named until the first day of March following the date of issue and shall continue to draw interest thereafter if presented for payment to the town treasurer during the month of March succeeding the date of issue and payment of said order refused by said treasurer. At the time of paying

any town order or receiving the same in payment of taxes, the town treasurer shall endorse upon the back of said order date of paying or receiving the same the amount allowed as interest, which interest may be considered as a portion of the current expenses of said town. No interest bearing town order hereafter issued shall be sued upon for the purpose of securing judgment against the town upon the same unless such order shall have been presented to the town treasurer for payment during the month of March preceding the beginning of such action and payment of said order refused by said treasurer.

Duty of treasurer in paying orders.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 2, 1899.

No. 14, A.] [Published May 4, 1899.

CHAPTER 326.

AN ACT regulating license fees to be paid by life insurance companies, corporations and associations, and to amend section 1220 of the Wisconsin statutes of 1898.

C 326 '99
See
C 21 '01
—
Ch. 326
See 1901 c 21

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1220, of the Wisconsin statutes is hereby amended so as to read as follows: Section 1220. Every company, corporation or association transacting the business of life insurance within this state, excepting only such fraternal societies as have lodge organizations and insure the lives of their own members and no others, shall on or before the first day of March in each year, pay into the state treasury as an an-

What companies to pay license.

Ch. 326 § 1
05 c 455

nual license fee for transacting such business, the amounts following:

Company organized within state.

1st. If such company, corporation or association is organized under the laws of this state and is not purely an assessment company, one per centum of its gross income from all sources for the year ending December 31st, next prior to the said first day of March, excepting therefrom income from rents of real estate, upon which such company, corporation or association has paid taxes assessed thereon in the same manner as taxes are assessed upon other real estate similarly situated and excepting also such income as may be received by such company, corporation or association from interest upon United States bonds, which are exempt from taxation.

Company organized without state.

2nd. If any such company, corporation or association is organized without the state of Wisconsin, and is not purely an assessment company, it shall pay as such annual license fee into the state treasury, one per centum of all premiums collected and premium notes taken or received by it from residents of this state during such year ending December 31st prior to such first day of March. In all cases the entire premium paid to the company, corporation or association, whether in cash or premium notes, shall be deemed income, without any deduction therefrom on account of dividends paid to the insured by such company, corporation or association.

License fees of other companies.

3rd. Every other such association, corporation or company doing business within this state, whether organized within or without the state, including all assessment companies and associations, and excepting only such fraternal organizations as are hereinbefore specified, shall on or before the first day of March in each year, pay into the state treasury of the state, as an annual licensee fee, the sum of three hundred dollars. Such licenses when granted, shall authorize the company, corporation or association to whom it is issued, to transact business until the first day of March of the ensuing year, unless sooner re-

voked or forfeited. The payment of such sum shall be in lieu of all taxes for any purpose authorized by the laws of this state, except taxes on such real estate as may be owned by such company, corporation or association. If any such company, corporation or association shall fail or neglect to comply with the requirements of this section, it shall pay as a penalty for such failure or neglect, a sum equal to fifteen per centum of the license fee imposed hereby upon such company, corporation or association, and such license fee and penalty shall be collected in the proper action, to be instituted by the attorney general of the state, against such company, corporation or association, therefor.

License in lieu of all taxes.

SECTION 2. If at the time this act shall go into effect, any license shall have been issued to any life insurance company, corporation or association, subject to pay a license fee under this act, for the year ending March 1st, 1900, for a less license fee than that provided for in this act, such license shall thereupon become void, unless such insurance company, corporation or association shall, within thirty days thereafter, pay to the state treasurer the increase of the license fee, imposed upon such company, corporation or association by this act, for that portion of the year covered by such license remaining after this act shall go into effect; the license fee to be paid for such unexpired year, to bear the same proportion to the amount of the annual license fee to be paid by the terms of this act, by such company, corporation or association, as such unexpired term bears to one year.

As to licenses already granted.

SECTION 3. This act shall take effect and be in force, from and after its passage and publication.

Approved May 1, 1899.

No. 35, S.] [Published May 6, 1899.

CHAPTER 327.

Ch. 327
1901, c 77

AN ACT to amend section 587c of the statutes of 1898, relating to the insane.

§1 C 327 '99
§1 C 77 '01
1899 c 327
111 138

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Inmates on parole.

SECTION 1. Section 587c is amended by adding thereto the following: "The provisions of this section as to the return to the hospital of paroled inmates and as to the effect of a continued absence of two years therefrom on parole, shall apply to all inmates thereof now at large on paroles granted before as well as after the passage of this act, and also to all inmates of county asylums who have heretofore been granted leave of absence from such asylum pursuant to law, and are now absent therefrom pursuant to such leave. No inmate of either hospital committed by any court pursuant to section 4700 of these statutes shall be permitted to go at large until it shall have been lawfully determined that his insanity is incurable."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 3, 1899.

No. 364, S.] [Published May 6, 1899.

CHAPTER 328.

AN ACT to provide necessary assistance for the supreme court reporter.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The justices of the supreme court are hereby authorized to employ additional help for the supreme court reporter as the same may in their judgment be deemed necessary to secure the prompt publication of the decisions of such court, the expense of such help not to exceed one thousand dollars per year, and to be paid on warrants drawn by the secretary of state on bills audited by the justices.

Judges authorized to employ additional help.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 3, 1899.

No. 79, S.] [Published May 6, 1899.

CHAPTER 329.

AN ACT to compel street railway companies to report to the railroad commissioner.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Every person or corporation owning or operating a street railway within the state of Wisconsin shall, on or before the thirty-first day of January in each year make an annual re-

Report, when to be made and where filed.

port to the railroad commissioner of its operations during the year preceding, ending on the thirty-first day of December, which report shall be verified by the affidavit of such person or by a general officer of the corporation and shall in addition be attested by the signatures of at least three of its directors, and such person or corporation shall, within five days after the filing of such annual report with the railroad commissioner, file a certified copy of such report with the city comptroller of any city wherein such street railway is operated, and in case there is no such public official as city comptroller, then such certified copy shall be filed with the city clerk, of said city.

Report, what to contain.

SECTION 2. Such report shall state in detail as follows: First. The name or names of the person or persons, corporation or corporations, owning said street railway, or any part thereof or leasing the same, specifying the part owned and the part leased. Second. The length of the road in operation, specifying the length of single track and the length of double track, giving the mileage of said road in each city, town or village through which said road may run. Third. The amount of preferred stock outstanding, if any; the amount of common stock outstanding; the amount of its bonded indebtedness; and the amount of all other indebtedness owed by said company. Fourth. The total receipts and disbursements from its railway business separately from its other business, and showing the total amount during the said year charged to construction and the total amount charged to operating expenses. The amount charged to operating expenses shall be sub-divided so as to show the total amounts charged, as follows: first, general expenses; second, legal expenses; third, injuries and damages; fourth, rentals paid; fifth, conducting transportation; sixth, maintenance of way and structures; seventh, maintenance of rolling stock; eighth, for producing power; ninth, amount set aside for depreciation or reserve, if any; tenth, amount expended for miscellaneous purposes.

SECTION 3. In case such street railway company shall do an electric lighting or any other business in connection with street railway business it shall report to the railroad commissioner as provided in section 1 of this act, which report shall show the amount received from such lighting or other business and the operating expenses and other expenses thereof for said year, stated in detail as near as may be to conform to the report required, showing the result of the operation of the railway department of said company.

Provision as to electric lighting companies.

SECTION 4. Said report shall also state the amount paid by such person, persons or company for interest upon its bonds, and any other items of interest paid during the year; also, the amount of dividends paid upon the capital stock of said company if any, and the date of payment thereof.

Interest on bonds to be reported.

SECTION 5. Any person or corporation that fails to file such report shall be liable to a penalty of one hundred dollars per day for each and every day it shall fail or neglect so to file such report.

Penalty.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved May 3, 1899.

No. 196, S.] [Published May 6, 1899.

CHAPTER 330.

AN ACT relating to employment of labor and providing penalties for a violation of its provisions.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

As to forfeiture of wages.

SECTION 1. Any person or corporation engaged in manufacturing, which requires from persons in his or its employ, under penalty of forfeiture of a part of the wages earned by them, a notice of intention to leave such employ, shall be liable to the payment of a like forfeiture if he or it discharges, without similar notice, a person in such employ except for incapacity or misconduct, unless in case of a general suspension of labor in his or its shop or factory or in the department thereof wherein such employee is engaged.

Threatening employes.

SECTION 2. No person shall, by threatening to discharge a person from his employment or threatening to reduce the wages of a person or by promising to give employment at higher wages to a person, attempt to influence a qualified voter to give or withhold his vote at an election.

Licenses to theatrical exhibitions employing minors.

SECTION 3. No license shall be granted for a theatrical exhibition or public show in which children under fifteen years of age are employed as acrobats, contortionists or in any feats of gymnastics or equestrianism, when in the opinion of the board of officers authorized to grant licenses such children are employed in such manner as to corrupt their morals or impair their physical health.

Penalty.

SECTION 4. Any person who shall violate any of the provisions of this act shall, upon conviction, be fined in a sum not exceeding one hundred dollars.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved May 3, 1899.

No. 363, S.] [Published May 6, 1899.

CHAPTER 331.

AN ACT to authorize H. W. Wright, his heirs or assigns, to construct and maintain a dam across a branch of the Manitowish river in Vilas county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. H. W. Wright, his successors, heirs or assigns, is hereby authorized and empowered to raise, build and maintain a dam across a branch of the Manitowish river not more than three feet high above low water mark on section 14, township 41 north, range 6 east, for the purpose of facilitating the booming and running and driving of logs and timber; provided, that said dam shall be so constructed as not to impede the running of logs and timber down said river; and so located and constructed as to allow logs passing over the same to freely pass down the river. And for the purpose of erecting and maintaining such dam, and of acquiring any flowage rights they may deem necessary in carrying out the provisions of this act, the said H. W. Wright, his successors, heirs or assigns, may exercise all powers granted to corporations by section 1777 of the Wisconsin statutes of 1898. Location of dam.

SECTION 2. The legislature may at any time amend or repeal this act.

SECTION 3. This act shall take effect and be in force from and after the date of its passage and publication.

Approved May 3, 1899.

No. 312, S.] [Published May 6, 1899.

CHAPTER 332.

AN ACT to prohibit discrimination against members of labor organizations.

Ch. 332
114 530 545
549

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

As to employees joining labor organizations.

SECTION 1. No person, corporation, agent or officer on behalf of any person or corporation, shall coerce or compel any person or persons into an agreement, either written or verbal, not to join or become a member of any labor organization, as a condition of such person or persons securing employment or continuing in the employment of any such person or corporation, and no person or corporation shall discharge an employee because he is a member of any labor organization.

Penalty.

SECTION 2. Any person or corporation violating any of the provisions of this act shall be fined not less than two hundred dollars nor more than one thousand dollars, or be punished by imprisonment in the county jail not to exceed nine months or both.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 3, 1899.

No. 521, A.] [Published May 6, 1899.

CHAPTER 333.

AN ACT to authorize Robert Glenn and J. D. Stuart, to construct and maintain a toll bridge across the Wisconsin river, from points in sections sixteen, seventeen and eighteen, in township six, range six west, in Grant and Crawford counties.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Robert Glenn and J. D. Stuart, their associates, heirs and assigns, are hereby authorized and empowered to build and maintain a toll bridge across the Wisconsin river, from points in sections sixteen, seventeen and eighteen, in township six, range six west, providing said bridge is constructed within two years after the passage and publication of this act. A suitable draw shall be constructed in said bridge, of sufficient width, not less however, than one hundred feet in the clear when open, for the free passage of steamboats, and the same shall be so located and of sufficient height, as not to obstruct the free passage of rafts with their deck loading, and of logs, timber and lumber passing down said river, and such draw shall be free of charge for the free passage of steamboats at all times when it shall be desirous of passing up or down said river with such boat or boats. Location and dimensions of bridge.

SECTION 2. The said Robert Glenn and J. D. Stuart, their associates, heirs and assigns, shall have the power and legal right immediately after the completion of said bridge, to demand, receive and collect tolls for passage over said bridge, at rates not exceeding the following: for any vehicle drawn by two horses, mules or oxen, fifteen cents; for any vehicle drawn by one horse, or mule, ten cents; for horses or cattle in Rates of toll.

droves of ten or less, five cents each; when the same are in droves of more than ten, three cents each; sheep or swine in droves of ten or less, three cents each; if in droves of more than ten, two cents each; and for each footman, five cents each way.

Rates to be posted.

SECTION 3. Said Robert Glenn and J. D. Stuart, their associates, heirs and assigns, shall keep posted upon a conspicuous place on said bridge, the rates of toll established by them, not exceeding the rate allowed by this act.

Trespass on bridge.

SECTION 4. Any person who shall forcibly or fraudulently pass over the bridge authorized by this act, without paying the legal toll, shall be guilty of trespass and shall for each offense, forfeit the sum of five dollars to and for the legal owners of said bridge, to be recovered with costs as in other actions of trespass, in any court having competent jurisdiction.

SECTION 6 [5]. This act shall take effect and be in force, from and after its passage and publication.

Approved May 3, 1899.

No. 67, A.] [Published May 6, 1899.

Ch. 334
05 c 56

CHAPTER 334.

AN ACT to amend section 1668, statutes of Wisconsin of 1898 in relation to the measure and weight of cranberries.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amending portion.

SECTION 1. Section 1668 of the statutes of Wisconsin, is hereby amended by striking out all of said section after the word "measure" in the

eighth line of said section, and inserting in lieu thereof the following: "The cranberry barrel shall be twenty-five and one-half inches high, sixteen inches in diameter at the heads and eighteen inches in diameter at the bilge, inside measure; and the dimensions of cranberry crates shall be twenty-two inches long, twelve inches wide, by seven and one-half inches high inside measure. Every maker of cranberry barrels shall stamp or brand on each of such barrels, his name with these letters over it: "W. S." Any person selling cranberries in barrels of less capacity than is herein provided for, shall be liable to the purchaser in damages to three times the amount of the shortage therein; and any person who shall stamp or brand a cranberry barrel of less capacity than is herein prescribed with the words aforesaid, shall forfeit to the complainant, not less than five, nor more than twenty-five dollars for each offense. A contract for berries by the barrel or the crate, unless it is otherwise specially stipulated, shall be construed to mean barrels or crates of the dimensions herein prescribed," so that said section when amended shall read as follows: Section 1668. A barrel shall contain thirty-one and one-half gallons and the hogshead, two barrels. A dry gallon shall contain two hundred eighty-two cubic inches; the liquid gallon two hundred thirty-one cubic inches. A barrel of flour measured by weight, shall contain one hundred ninety-six pounds; a barrel of potatoes, one hundred seventy-two pounds; a barrel of unslacked lime, two hundred pounds. A barrel of apples or pears shall represent a quantity equal to one hundred quarts of grain or dry measure. The cranberry barrel shall be twenty-five and one-half inches high, sixteen inches in diameter at the heads and eighteen inches in diameter at the bilge, inside measure; and the dimensions of the cranberry crate shall be twenty-two inches long, twelve inches wide, by seven and one-half inches high, inside measure. Every maker of cranberry barrels shall stamp or brand

Measures defined.

Dimensions of cranberry barrel; makers of, etc.

on each such barrel, his name with these letters over it, "W. S." Any person selling cranberries in barrels of less capacity than is herein provided for, shall be liable to the purchaser in damages to three times the amount of the shortage therein, and any person who shall stamp or brand a cranberry barrel of less capacity than is herein prescribed, with the letters aforesaid, shall forfeit to the complainant, not less than five, nor more than twenty-five dollars for each offense. A contract for berries by the barrel or the crate, unless it is otherwise specially stipulated, shall be construed to mean barrels or crates of the dimensions herein prescribed.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved May 3, 1899.

No. 529, A.] [Published May 6, 1899.

CHAPTER 335.

AN ACT to amend sections 840, 1081, 1083, 1089, 1090, of the Wisconsin statutes of 1898, relating to the collection of taxes, and to repeal sections 1108 and 1109.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Fees of treasurer for collecting.

SECTION 1. Section 840 of the Wisconsin statutes of 1898, is hereby amended by striking out the word "tenth" in the second and fifth lines of said section, and inserting in lieu thereof the words "thirty-first," so that said section when so amended shall read as follows: Section 840. Every town treasurer shall receive two per

centum on all taxes collected by him on or prior to the thirty-first day of January, and five per centum on all collected thereafter during his term, to be retained from the collections; provided, the annual town meeting may, by ballot or resolution, reduce such fees on taxes paid on or before the thirty-first day of January, to not less than one per centum; and in addition thereto, when collection is made by distress and sale of goods, the same fees given by law to constables for levy and sale of goods upon execution, and also two per centum of all drainage fund moneys that shall be received by him from the state or county, to be retained out of such moneys; and for making his return of delinquent taxes, one dollar, and six cents for each mile traveled one way to deliver the same, to be paid by the county treasurer on settlement; he shall have no other compensation. The treasurer of each incorporated village authorized to perform similar duties, shall receive the same compensation therefor, and the electors may in like manner limit the same at the charter election, except when otherwise provided in the act of incorporation.

How fee may be reduced.

SECTION 2. Section 1081 of the Wisconsin statutes of 1898, is hereby amended by striking out the words "last Monday in January" in the sixteenth line of said section, and inserting in lieu thereof the words "second Monday in February;" and further to amend said section, by striking out the words "day above specified" in the nineteenth line of said section and inserting in lieu thereof the words "fifteenth day of March" and further to amend said section, by striking out the word "second" in the twenty-fifth line of said section, and inserting in lieu thereof the word "third," so that said section when so amended shall read as follows: Section 1081. Every such treasurer shall deliver said receipt to the clerk of his town, city or village on or before the first day of December, and thereupon the clerk shall attach to said tax roll a warrant, substantially in the following form:

Changing dates in tax warrant.

82 C 335 '99
81 C 374 '01

Ch. 335, § 2
1901, c 374

THE STATE OF WISCONSIN to .....
treasurer of the town of ....., in the county of .....

You are hereby commanded to collect from each of the persons and corporations named in the annexed tax roll, and from the owners or occupants named of the real estate described therein, the taxes set down in such roll opposite to their respective names, and to the several parcels of land therein described; and in case any person or corporation upon whom any such sum or tax is imposed, shall refuse or neglect to pay the same, you are to levy and collect the same by distress and sale of the goods and chattels of the person or corporation so taxed, and out of the moneys so to be collected, after deducting your fees, you are first to pay to the treasurer of said county, on or before the second Monday in February next, the sum of ....., for state taxes; you are to retain and pay out as town treasurer, according to law, the sum of..... and the balance of said moneys you are required to pay to said treasurer for county purposes, on or before the first day of March, by which day you are further required to make return to said treasurer of this warrant, with said roll annexed:

Form of warrant.

Given under my hand this ....., day of ....., 18.....

....., clerk.

The clerk shall deliver the tax roll, with said warrant annexed, to the treasurer, if he shall have duly qualified as such, on or before the third Monday in December, and charge him with the town and local taxes therein.

When warrant to be delivered to sheriff.

SECTION 3. Section 1083 of the Wisconsin statutes, is hereby amended by striking out the word "second" in the fifth line of said section, and inserting in lieu thereof the word "third" so that said section when so amended, shall read as follows: Section 1083. If the treasurer-elect shall fail to qualify as such or to file his bond with the county treasurer, in the manner and within the time prescribed, and the board shall

fail to appoint a treasurer, or the person so appointed shall so fail to qualify and give such bond and deliver a receipt therefor by the third Monday in December, the clerk shall deliver the tax roll and warrant to the sheriff of the county, or if the same cannot be obtained in the case mentioned in the last preceding section, a new roll and warrant, made as aforesaid, and the sheriff shall execute to the county treasurer a like bond as required of the treasurer, and by himself or deputy shall make like collections and returns, and shall be entitled to the same compensation, and be responsible to the same extent as treasurers appointed by boards, on all taxes so handed over to him for collection; and for the purpose of collecting the same he shall be vested with all the powers conferred upon the treasurer.

Notice of collection

SECTION 4. Section 1089 of the Wisconsin statutes of 1898, is hereby amended by striking out the word "tenth" in the sixth line of said section, and inserting in lieu thereof the word "thirty-first," so that said section when so amended, shall read as follows: Section 1089. The treasurer of each town, city or village on the receipt of the tax roll for the current year, shall forthwith post notices in three or more public places in such town, city or village, that the tax roll for the same is in his hands for collection, and that the taxes charged therein are subject to payment at his office at any time prior to or on the thirty-first day of January in such year, and after the said thirty-first day of January, he shall proceed to collect the taxes charged in such roll and remaining unpaid, and for that purpose shall call at least once on the person taxed, or at the place of his usual residence, if within the town, city or village, and demand payment of the taxes charged to him on such roll.

Collection fees remitted.

SECTION 5. Section 1090 of the Wisconsin statutes of 1898, is hereby amended by striking out the word "tenth" in the second line of said section, and inserting in lieu thereof the word "thirty-first," so that said section when so

amended, shall read as follows: Section 1090. On all taxes paid or tendered at the office of such treasurer prior to or on said thirty-first day of January, he shall remit all of the five per cent. collection fees, except so much thereof as he is authorized by law to have for his fees upon taxes so paid.

Extension of warrant.

SECTION 6. Sections 1108 and 1109 of the Wisconsin statutes of 1898, are hereby repealed.

SECTION 7. Section 1110 of the Wisconsin statutes of 1898, is hereby amended by striking out the words "last Monday in January" in the eighth line of said section, and inserting in lieu thereof the words "second Monday in February," so that said section when so amended, shall read as follows: Section 1110. The town, city or village treasurer shall retain in his hands the amount specified in his warrant to be paid into the town, city or village treasury, together with his fees, and shall on or before the day specified in his warrant for paying the money therein directed to be paid to the county treasurer, pay to him the sum so directed to be paid in the manner provided by law; and the town, city or village treasurer shall pay over the full amount of state tax on or before the second Monday of February of each year, though it may occasion a deficiency in the town, city or village taxes.

What money to be retained, payment of state tax.

Payments to state treasurer.

SECTION 8. Section 1121 of the Wisconsin statutes of 1898, is hereby amended by striking out the word "first" in the third line of said section, and inserting in lieu thereof the word "third," so that said section when so amended shall read as follows: Section 1121. The several county treasurers shall pay to the state treasurer, the amount of state taxes charged to their respective counties, on or before the third Monday of February in each year.

SECTION 9. This act shall take effect and be in force, from and after its passage and publication.

Approved May 3, 1899.

No. 266, A.] [Published May 6, 1899.

CHAPTER 336.

AN ACT relating to the partition of land, and the assignment of dower and homestead rights therein, and to amend section 3102 of the statutes of Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Who may be made parties to actions.

SECTION 1. Strike out all of section 3102 of the Wisconsin statutes of 1898, after the word "owned," in the twenty-second line, and insert in place thereof the following: "Every person having an interest, as aforesaid, whether in possession or otherwise, and every person having an estate of dower whether admeasured or otherwise, or an estate by the courtesy, or having a homestead right for life, in such premises or in any part thereof may be made a party to such action." So that such section as amended shall read as follows:

Complaint, what to contain.

Complaint; Parties. Section 3102. The complaint in such action shall particularly describe the lands sought to be partitioned and shall set forth the rights and titles of all persons interested therein, so far as the same are known to the plaintiff, including the interest of any tenant for years, for life, by the courtesy or in dower and of the persons entitled to the reversion, remainder or inheritance, after the termination of any particular estate therein; and of every person who by any contingency, contained in any devise, grant or otherwise, or as having an inchoate right of dower may be or become entitled to any beneficial interest in the premises; but in case any such person or his share or interest be unknown to the plaintiff, or be uncertain or contingent, or the ownership of the inheritance shall depend upon an executory devise, or

the remainder shall be a contingent remainder, so that such person or his interest cannot be named or set forth, the same shall be stated in the complaint; but no person whose title or interest appears of record or who is in the actual possession or occupancy of any of such lands shall be considered or proceeded against as an unknown owner. The complaint shall demand judgment for a petition of the premises according to the respective rights of the parties interested therein and for a sale thereof, if it shall appear that partition of the land cannot be made without great prejudice to the owners thereof; and when the complaint does not pray partition of all the lands owned by the parties either of them may have the complaint so amended as to affect all the lands so owned. Every person having an interest, as aforesaid, whether in possession or otherwise, and every person having an estate of dower whether admeasured or otherwise, or an estate by the courtesy, or having a homestead right for life, in such premises or in any part thereof may be made a party to such section [action].

Duties of commissioners in partitioning land.

SECTION 2. A new section of such statutes is hereby enacted which shall be known as section 3113a which shall read as follows: Section 3113a. In case actual partition of the premises shall be directed by the court, the commissioners shall first set off to any party to the action, who may be entitled to a homestead during life in the premises, of any part thereof, or who may be entitled to dower therein which has not been set off or admeasured according to law, such homestead and shall admeasure and assign such dower to the party or parties entitled thereto, in severalty, according to their respective rights, and thereafter said commissioners shall, in dividing said real estate among the parties to the action, as directed by the judgment, and as provided by section 3113, include in such division and partition the reversionary interest in the real estate held in common by the parties, so set off as a homestead or admeasured or assigned as dower, or held by any tenant by the courtesy, they determining the

value of such reversionary interest or estate for the purpose of such partition, by deducting from the entire value of the land, the value of the life estate so created or existing therein ascertained by the annuity table, contained in the circuit court rules, and they may allot the whole or any part of such reversionary estate to any of the parties to the action in severalty having due regard to the value thereof ascertained as aforesaid as the whole or as a part of the share or allotment of any such party or parties in the real estate to be partitioned. If the court shall have determined that actual partition of the premises cannot be made between the parties, without great prejudice to the owners, in that case if the person or persons entitled to a homestead for life, or dower, or an estate by the courtesy, in the said real estate or any part thereof, shall file with the clerk of the court where such partition proceedings are pending, written consent therefor, signed, witnessed and acknowledged, as deeds are required to be, if entitled to record, in that case the entire estate may be sold, as provided by the judgment of the court, free and clear from the incumbrance or lien of any such life estate, whether set off and admeasured or otherwise, and the value of any such life estate shall be ascertained by the said annuity table in such manner as the court may direct, and the value of such estate or estates shall be paid to the owner or owners thereof from the avails of the sale and such owner or owners shall execute therefor, a release in writing which shall be witnessed, executed and acknowledged by such party, so as to be entitled to record, of all estate right or claim in the premises so sold, describing them, which may be recorded, and shall constitute a perfect bar to any further claim by any such releasor, or any person claiming under him or her, to any such life estate or right in the premises in such release described. In case the owner of any such homestea dright for life, or any person so entitled to dower or estate by the courtesy in the real estate to be partitioned or any part thereof, refuses

Where partition cannot be made without great prejudice.

or fails to file any such written consent, or from minority or other incapacity cannot do so, and the court finds that the lands sought to be partitioned cannot be actually partitioned among the owners thereof according to their respective interests and such homestead for life or dower has not been set off or admeasured, the court shall first appoint commissioners to set off such homestead and to assign and admeasure such dower, which, when confirmed by the court shall be final and conclusive between the parties, and binding upon them and all persons claiming under them. The court shall then direct the remaining premises, together with the reversionary estate in the lands so set off to tenants for life as aforesaid, to be sold as in other cases, and shall order the proceeds of such sale to be divided among the owners thereof according to their respective rights therein as determined and fixed by the court, they giving such receipts or releases therefor as the court may direct. Any purchaser receiving a deed from the sheriff or other officer conducting such sale, shall be vested with all the estate, title and interest of all the parties to the action and those claiming under them, to all the real estate sold, subject only to the life estates therein set off and admeasured as herein provided. And such purchasers shall be entitled to the possession of such real estate as provided in other cases of sales of real estate in partition proceedings, except as to such real estate so set off and admeasured to life tenants thereof, of which the said purchaser shall be entitled to the possession at the termination of such life estate therein and not before.

When lands cannot be actually partitioned.

Title vested by deed from sheriff.

SECTION 3. All acts or parts of acts conflicting or inconsistent with the provisions of this act are hereby repealed.

And this act shall take effect and be in force from and after its passage and publication.

Approved May 3, 1899.

No. 187, A.] [Published May 8, 1899.

CHAPTER 337.

AN ACT to amend section 1181 of the Wisconsin statutes of 1898, relating to foreclosure of tax certificates.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1181 of the Wisconsin statutes of 1898, is hereby amended by inserting after the word "actions" in line twelve, the following: "provided that when costs are allowed to the plaintiff, such costs, exclusive of disbursements, shall be discretionary with the court but shall not exceed the amount of the face of the certificate or certificates embraced in such action, and such costs when allowed, shall be an additional lien upon the property described in such certificates, provided further that the defendant may in all cases within the time limited by law for answering the complaint, execute and deliver to the plaintiff or his attorney a quitclaim deed of the lands described in the complaint, conveying all the right, title and interest of such defendant at the time of the commencement of the suit; or may, within such time, either after having delivered such deed or without such delivery, answer disclaiming any title to the lands in question at the time of the commencement of the suit, in either of which cases the plaintiff shall not recover costs personally against any such defendant who quitclaims as aforesaid or who shall establish such disclaimer upon the trial of such action," so that when said section is so amended, the same shall read as follows: Section 1181. The holder of any tax certificate may, at his option, in lieu of taking a tax deed, at any time after three years from the date of such certificate, and before he would be debarred from demanding a

Limitations as to costs in actions of foreclosure.

Foreclosure of tax certificates.

tax deed thereon, foreclose the same by action as in a case of a mortgage upon real estate; and all the laws and rules of practice relating to the foreclosure of mortgages, as to the persons necessary and proper to be made parties, as to pleading and evidence, the judgment of foreclosure and sale thereunder, the right of the plaintiff to be subrogated to the benefit of all leins upon the premises by him necessarily satisfied in order to save the lien of his certificate, the right of the defendants or any of them, to redeem the premises at any time before sale, and as to costs and disbursements, including the necessary expenses for an abstract of title, shall, so far as they are applicable, prevail in such actions; provided, that when costs are allowed to the plaintiff, such costs, exclusive of disbursements, shall be discretionary with the court, but shall not exceed the amount of the face of the certificate or certificates embraced in such action, and such costs when allowed, shall be an additional lien upon the property described in such certificates, provided further, that the defendant may in all cases within the time limited by law for answering the complaint, execute and deliver to the plaintiff or his attorney a quitclaim deed of the lands described in the complaint, conveying all the right, title and interest of such defendant at the time of the commencement of the suit; or may, within such time, either after having delivered such deed or without such delivery, answer disclaiming any title to the lands in question at the time of the comencement of the suit, in either of which cases the plaintiff shall not recover costs personally against any such defendant who quitclaims as aforesaid or who shall establish such disclaimer upon the trial of such action. The plaintiff in such action, may include in one action, all the certificates he holds upon the same tract of land; and the sale in such actions shall be conducted, certificates thereon made and filed, the report made and confirmed and a deed thereon executed and delivered, in like manner and with like effect as in case of actions for foreclosure of mortgages;

but a foreclosure and sale under the provisions of this section, shall not limit or in any manner affect the right of redemption by a minor, idiot or insane person, as provided in section 1166. Rights of minors.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved May 3, 1899.

No. 184, A.] [Published May 8, 1899.

CHAPTER 338.

AN ACT providing for the holding of elections in towns and villages.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The town board of any town may, by resolution, provide that the question of changing the place for holding town meetings in any such town, be submitted to a vote of the electors at any regular town meeting held in the town, and if at any such town meeting a majority of the electors shall vote in favor of changing the place for holding any such election, then all elections and town meetings thereafter held in any such town, shall be held at the place so designated. The town board shall designate by resolution, the place to which the change is to be made, and shall describe such place with reasonable accuracy, which designation and description shall be embodied in the notice to be given by the clerk as hereinafter provided. The town clerk shall at least ten days before the holding of any such election, at which the question of changing

Electors may vote on change in place of holding town meetings.

Duty of town clerk.

the place for holding elections is to be voted upon pursuant to any resolution of the town board, cause notice of that fact to be given to the electors of the town by posting up notices in three public places in the town, which notices shall state that the question of changing the place of holding elections and town meetings is to be voted upon at the town meeting, stating when and where such election or meeting is to be held, and also the place to which the same is to be changed, which place shall be described with reasonable accuracy.

Form of ballot.

SECTION 2. The town board shall procure, at the expense of the town, a suitable number of ballots which shall be printed in the following form:

For changing the place of holding elections	
Against changing the place for holding elections.....	

If the voter desires to vote for the proposition, he will do so by putting a cross in the appropriate square to the right of the words: "for changing the place of holding elections," and if he desires to vote against it, may do so by putting a cross in the square to the right of the words "against changing the place for holding elections." Such ballots shall be delivered to the clerk, time enough for use at any such election, and shall be kept in some convenient and conspicuous place in the building where the election is held, for the use of electors. The votes so cast upon any such proposition shall be canvassed and returned in the same manner that votes for candidates are canvassed and returned, and if a majority of the votes so cast shall be in favor of changing the place of holding elections, then all general elections, town meetings and judicial elections thereafter held, shall be held at the place designated in the resolution adopted by the town board, and approved by the electors of the town as herein provided. The town board

Vote, how canvassed.

shall provide a separate ballot box for the ballots cast upon any such proposition.

SECTION 3. All acts and parts of acts, in conflict with the provisions of this act, are hereby repealed.

SECTION 4. This act shall take effect and be in force, from and after its passage and publication.

Approved May 3, 1899.

No. 531, A.] [Published May 8, 1899.

CHAPTER 339.

AN ACT to require the Australian system of elections in towns having an incorporated city or village which operates jointly with the towns in town elections.

C 339 '99 repealed 81 C 445 '03

Ch. 339 Repealed. 1903 c 445

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

System of election of town officers.

SECTION 1. Chapter five of Wisconsin statutes of 1898, shall hereafter apply to all elections of of town officers in towns having an incorporated city or village which operates jointly with the town in such elections, so far as the provisions of such chapter may be applicable, and except as modified for such town elections by the provisions of this act.

Nomination of candidates

SECTION 2. Nothing in this act shall prevent the nomination of, and the placing upon the official ballot of, the regular nominees of any nonpartisan or general caucus of the voters of the town where such caucus has been regularly called by an authorized town committee appointed at a regularly called caucus of the preceding year, provided that at least ten per cent.

of the electors of such town participate in such caucus.

Caucus defined.

SECTION 3. The term caucus, as used in this act, shall be understood to be an authorized assemblage of voters making nominations for town offices in the same manner as has heretofore prevailed.

Certificate of nomination.

SECTION 4. Certificates of nomination and filing of individual nominations, shall be filed with the county clerk, not more than fifteen nor less than seven days before such election.

Nominations to be published.

SECTION 5. At least three days before the election, the county clerk shall cause to be published the nominations for town offices [officers] certified to or filed with him, in one weekly newspaper published at the county seat if there be a paper there published, and if not then in some other newspaper in the county; the county clerk shall also cause to be published, the nominations for any town other than the county seat in a newspaper published in such town if there be one.

Election, when may be suspended.

SECTION 6. The inspectors and officers of election may suspend the election at and for such limited times during election day, as may be necessary to transact such business, other than election of town officers, as is now authorized by law.

SECTION 7. All provisions of law in conflict with the provisions of this act, are hereby repealed.

SECTION 8. This act shall take effect and be in force, from and after its passage and publication.

Approved May 3, 1899.

No. 516, A.] [Published May 9, 1899.

CHAPTER 340.

AN ACT to amend section one of chapter 351 laws of 1887, entitled an act to amend the act entitled "an act to incorporate the Lisbon and Milwaukee Plank Road company" etc.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of chapter 351 laws of 1887 is hereby amended by adding thereto the following viz: "and for the purpose of connecting that portion of its road in the northwest quarter (¼) of section twenty-five (25) town seven (7) range twenty-one (21) east, in Milwaukee county with any part or portion of its road in the northeast quarter (¼) of said section, which may be hereafter changed in its location, are hereby authorized and empowered to locate and construct the same upon any public highways between the termini of its road in said northwest and northeast quarters of said section twenty-five (25) so that when so amended said section one (1) will read as follows: Section one. The Madison, Watertown and Milwaukee Plank Road company, for the purpose of changing the location of any part or portion of their road through Hawley's sub-division and through Dousman's subdivision in the second ward of the city of Milwaukee, are hereby authorized and empowered to discontinue any portions thereof; and to relocate and construct the same upon any public highways in said subdivisions between the termini of the portions so discontinued; provided however, that this act shall not apply to that part of said plank road lying between Washington avenue (Twenty-seventh street) and Queen Ann place (Twenty-ninth street) in the fifteenth ward of the city of Milwaukee, but that part of

Amending portion.

Highways authorized to be used.

the roadway of the said plank road between the points designated, shall not be vacated, and the same shall be and remain a public highway forever, and for the purpose of connecting that portion of its road in the northwest quarter (¼) of section twenty-five (25) town seven (7) range twenty-one (21) east, in Milwaukee county, with any part or portion of its road in the northeast quarter (¼) of said section which may be hereafter changed in its location, are hereby authorized and empowered to locate and construct the same upon any public highways between the termini of its road in said northwest and northeast quarters of said section twenty-five (25).

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved May 3, 1899.

No. 126, A.] [Published May 8, 1899.

CHAPTER 341.

1899 c 341
119 54

AN ACT relating to caucuses, and amending sections 11a to section 11i inclusive, of chapter 5, of the Wisconsin statutes of 1898.

All caucuses to be held under provisions of act.

SECTION 1. Caucuses and meetings of political parties, held for the purpose of nominating candidates or choosing delegates to assemble in convention to nominate any person for any public office, to be voted for at any general, judicial or municipal election held in all cities, towns and villages in this state, except in counties having a population of two hundred thousand or more, whether operating under the general or special charter and all meetings for nominating candidates or choosing delegates to conventions to nominate candidates to be voted for at such elec

tions, commonly called caucuses unless held under the provisions of this act, are hereby declared to be unlawful, and no political party shall have its political ticket placed upon the official ballot, or canvassed at such election, unless the nomination of its candidates are made in accordance with the provisions of this act. The meetings of electors in any town, village or ward, held for the purpose of nominating candidates or electing delegates as aforesaid, are hereby defined as caucuses and declared to be such. In all cases wherein this act shall apply, the caucuses in cities or villages for a political party in the precincts of a county, shall be called for said one county and held on the same day, and in cities said caucuses shall be held during the same hours, but no caucuses shall be held open for less than one hour.

Caucuses defined.

SECTION 2. Every political party desiring to nominate candidates to be voted for at any election as hereinbefore provided, shall file with the city or county clerk, the name of the chairman and secretary of the county or city committee of such political party, who shall be electors of such county or city, and shall have been elected by the county or city convention, called for the purpose of nominating candidates to be voted for in said county or city or at any such election, and the names of such officers of the county or city committee shall be embodied in the nomination papers filed with the county or city clerk, certifying the nomination of candidates, and the term of office of such officers of the county or city committee shall commence immediately after such nomination papers have been filed. The respective county or city committees shall determine the day and place when and where the conventions of the political party it represents shall be held, and also the day upon which the caucuses of such political party shall be held for each town, village and ward, and the number of delegates which shall represent each town, village or ward at such convention apportioned in such manner as pro-

Political parties to file organization with county clerk.

Committees to determine date of caucuses.

vided by the several county or city committees and shall also designate the officers for which candidates shall be nominated at such caucus; and such committee shall also designate all offices for which, according to law, candidates are to be voted for at the next ensuing election.

Authority of committee to fill vacancies in committee.

SECTION 3. The county or city committee shall have authority to fill all vacancies in said committee, caused by resignation or otherwise, and the county or city clerk shall at once be notified by the chairman and secretary of the committee of all such changes. The county or city committee shall be composed of a chairman, secretary and one member for each ward, town or village. The county or city committee may also provide for the election of a treasurer and an assistant secretary, and for the appointment by the chairman, of an executive committee composed of five electors, who, together with the chairman, secretary and treasurer, shall constitute the executive committee.

Notice of caucus to be published.

SECTION 4. Whenever the several county or city committees shall determine on the day and time of holding such caucuses, the chairman of each of such committees, representing his political party, may cause to be published, at least ten days before the day of such caucus, in at least one daily newspaper, if nominations are to be made, to be voted for at municipal elections, provided there be such a daily newspaper published in said city, if not then in a weekly newspaper, and if for general elections, in two newspapers published in the county, a notice stating the time and place where such caucuses and conventions will be held. In towns where no newspapers are published, notices for caucuses shall be posted in three public places at least ten days before the day of holding such caucuses.

Qualification of voter at a caucus.

SECTION 5. No person shall vote or offer to vote more than once for any candidate or delegate or set of delegates in any one caucus, nor in any caucus held in any caucus district in which he shall not at the

time be a resident and duly qualified elector, and no person shall vote or offer to vote in any caucus where candidates and delegates are to be chosen, if he has already voted at the caucus of any other political party for candidates to be voted for, or for delegates to be chosen to a convention to nominate candidates to be voted for at the next ensuing election. Any person violating the provisions of this act shall be guilty of a misdemeanor.

Caucus officers.

SECTION 6. The caucus officers under the provisions of this act, shall consist of a chairman, a secretary and two tellers. The chairman of the caucus in the several caucus districts affected by this act, shall be the chairman of the town committee; in his absence a chairman may be chosen by the electors present at the opening of the caucus; the secretary and the tellers shall be chosen by the electors present at the opening of the caucus. The chairman and secretary shall act as inspectors at such caucus, and shall on taking their places, make oath that he will faithfully, honestly and correctly conduct the election to be held at such caucus, protect it from all fraud and unfairness, truly, with the assistance of the tellers, canvass all the votes cast thereat, and in every way comply with the carrying out of the provisions of this act.

Voting to be by ballot.

SECTION 7. It is hereby provided, that at all caucuses held under the provisions of this act, all votes, the result of which might be the election of a delegate to any political convention, or the nomination of a candidate for any political office, shall be by ballot; said ballot shall be printed on plain white paper or may be written by the individual voter, and shall be deposited by said voter in a box or other receptacle provided therefor by the caucus officers, which box or receptacle shall be in full view of the chairman, secretary, tellers and voters at such caucus, and shall not be removed from such position until the ballot shall have been declared closed, when the contents there shall be removed and votes canvassed by the

proper officers of the caucus, as provided for under the provisions of sections 6 and 9 of this act.

Poll list to be made.

SECTION 8. The secretary of said caucus, with the aid of an assistant if necessary, shall make a true and correct poll list of the voters who cast a ballot at such caucus, giving name, and in cities, residence street and number, and such list shall be filed with the city, town or village clerk. In cities where the registration is had, the city clerk shall furnish caucus officers with six copies of the printed registry list. These registry lists shall be furnished the several ward committees at least one day before the holding of said caucus, and only voters whose names appear on such registry list shall be allowed to cast their vote at said caucus, except it is shown by affidavit that the elector is a qualified voter and resident of the said caucus district, which affidavit must be corroborated by at least two freeholders, electors in said caucus district. The committee having charge of the caucus shall have authority to maintain order and to enforce obedience to the lawful rules during the caucus.

In cities, clerk to furnish registry lists.

§9 C 341 '99
§1 C 382 '03
Ch. 341 § 9
1903 c 382

Votes, how canvassed.

SECTION 9. Immediately after the close of the caucus, and after the canvass of the votes, the chairman and secretary of the caucus shall certify to the chairman of the city or county committee, the names of the delegates so chosen at the caucus, giving the vote of the several candidates, and the persons receiving the majority of votes shall be legally elected as such delegates, to represent said caucus district. In case of nomination of candidates for office, the name of the candidate receiving a majority of all the votes shall be declared the nominee of the caucus, and his election shall be certified to the proper officers, to be placed upon the official election ballot.

Bribery of voter.

SECTION 10. Every person who by bribery, or corrupt or unlawful means, prevents or attempts to prevent any voter from attending or voting at any caucus mentioned in this act, or who shall give or offer to give, any valuable thing or bribe to any officer, inspector or delegate, whose

office is created by this act, or who shall give or offer to give any valuable thing or bribe to any elector as a consideration for some act to be done in relation to such caucus or convention, or who shall interfere with or in any manner disturb any caucus or convention held under the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished in the manner hereinafter provided.

Penalty for violations.

SECTION 11. If any person shall be convicted of a violation of any of the provisions of this act, for which no punishment is herein provided, or who shall be convicted of a misdemeanor under the provisions of this act, he shall be punished by a fine of not exceeding two hundred dollars, or by imprisonment in the county jail, not less than two nor more than six months, or by both such fine and imprisonment, in the discretion of the court. The district attorney of the county is hereby authorized and empowered to conduct prosecutions for violations of this act, upon complaint of a duly qualified elector of the caucus district in which such violation of this act may have occurred.

Repealing certain section.

SECTION 12. Section 11a, 11b, 11c, 11d, 11e, 11f, 11g, 11h, and 11i of chapter 5 of the Wisconsin statutes of 1898, and all acts and parts of acts in conflict with the provisions of this act, so far as do not relate to cities in counties having a population of two hundred thousand or more, are hereby repealed.

SECTION 13. This act shall take effect and be in force, from and after its passage and publication.

Approved May 3, 1899.

No. 369, S.] [Published May 10, 1899.

CHAPTER 342.

AN ACT to amend chapter 300 of the laws of 1899 relating to the sale of future contingent interests in land and providing for notice to all parties interested.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Notice to be given to all parties.

SECTION 1. Section two of chapter 300 of the laws of 1899 is hereby amended by adding thereto the following words, to-wit: "notice of such application shall be given to all parties having any title to or interest in said lands, who are living at the time of such petition, except, however, those who have joined in said petition, at least ten days prior to the date of the hearing of such application, by service of the same in the manner provided in chapter one hundred and twenty of the revised statutes for the service of the summons in a civil action," so that said section when amended shall read as follows: "section 2. The application for such disposition may be made to the circuit, county or superior court of the county in which such real estate or some part or interest therein is situated, or to the circuit judge in vacation, by the petition of any one or more of the parties having any title to or interest in said land who are living at the time of such petition. If any of such petitioners are infants, the said petition shall be signed by the general guardian of such infants. Such petition must be verified and must set forth the facts which would authorize the selling, mortgaging, leasing or otherwise disposing of such real estate or some part thereof, or interest therein, for one or more of the reasons set forth in section 3503 of the revised statutes for the sale or other disposition of the real estate or interest therein of infants. Such lands or in-

terests therein shall be sold, mortgaged, leased or otherwise disposed of in such manner as will best promote the interests of those concerned, whether in being or not, and whether their interests are present or contingent. Notice of such application shall be given to all parties having any title to or interest in said lands, who are living at the time of such petition, except, however, those who have joined in said petition, at least ten days prior to the date of the hearing of such application, by service of the same in the manner provided in chapter one hundred and twenty of the revised statutes for the service of the summons in a civil action."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 3, 1899.

No. 526, A.] [Published May 10, 1899.

CHAPTER 343.

AN ACT ratifying and permitting the reduction of capital stock of the Bank of Burlington, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Preamble.

Whereas, the Bank of Burlington, a banking association located at Burlington in Racine county, Wisconsin, by a vote of a majority of its stock, did on the thirtieth day of June, A. D. 1898, determine to reduce its capital stock to twenty-five thousand dollars, and did by its president and cashier furnish to the secretary of state a certificate of such vote pursuant to the provi-

sions of subdivision 27, of section 2024, of chapter 94 of the Wisconsin statutes of 1898:—and,

Preamble.

Whereas, the secretary of state has filed with the state treasurer a certificate of such action, and of the compliance with said statute pursuant to the provisions of section 2017 of said chapter 94; now, Therefore, in order to legalize such proceedings.

Reduction to $25,000 authorized.

SECTION 1. The vote of the Bank of Burlington above referred to reducing its capital stock to twenty-five thousand dollars, and all the proceedings taken in pursuance thereof, are hereby in all things ratified and confirmed, and permission is hereby granted for such reduction of the capital stock of said bank in accordance with the vote of its said stockholders.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved May 3, 1899.

No. 546, A.] [Published May 9, 1899.

CHAPTER 344.

AN ACT to construe chapter 190 of the laws of Wisconsin for the year 1899.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Re-insurance without signature of local agent.

SECTION 1. Nothing contained in chapter 190, laws of Wisconsin for the year 1899, shall be construed as preventing any insurance company which has lawfully issued a policy of insurance upon property within this state, from re-insuring said risk or any portion thereof, in any autho-

rized company without having said policy of reinsurance signed by a local agent in this state.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved May 3, 1899.

No. 540, A.] [Published May 6, 1899.

CHAPTER 345.

AN ACT to amend chapter 367 of the laws of 1897, relating to the estimating, appraising and sale of state lands.

Ch. 345
1901, c 458

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 2, of chapter 367 of the laws of 1897, is hereby amended by striking out the following words in lines twelve and thirteen thereof, "and all lands withdrawn from market at Spooner, Washburn county."

Sale of lands.

SECTION 2. Section 6 of said act, is hereby amended so as to read as follows: Section 6. All other lands heretofore approved or patented to the state, by the United States, shall be withdrawn from public sale; all such lands and all lands which may hereafter be selected by the state or approved or patented to the state by the United States, shall be examined by the persons duly appointed as provided by section 3 of this act, and appraised as hereinbefore provided, and shall be offered for sale at such times and places as is deemed for the best interest of the state.

Examination of land.

82 C 345 '99
81 C 458 '01

SECTION 3. This act shall take effect and be in force, from and after its passage and publication.

Approved May 3, 1899.

No. 542, A.] [Published May 4, 1899.

CHAPTER 346.

AN ACT to amend sections 1036 and 1040, Wisconsin statutes of 1898, relating to the assessment of personal property.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Personal property defined. To include ice.

SECTION 1. Section 1036 of the Wisconsin statutes of 1898 is hereby amended by inserting after the word "same" at the end of the sixth line of said section, the words "ice cut and stored for use, sale or shipment," so that said section when so amended shall read as follows: Section 1036. The term "personal property" as used in this title shall be construed to mean and include toll bridges, saw logs, timber and lumber, either upon land or afloat; steamboats, ships and other vessels, whether at home or abroad; buildings upon leased lands, if such buildings have not been included in the assessment of the land on which they are erected; ferry-boats, including the franchise for running the same; ice cut and stored for use, sale or shipment; all debts due from solvent debtors, whether on account, note, contract, bond, mortgage or other security, or whether such debts are due or to become due; and all goods, wares, merchandise, chattels, moneys and effects, of any nature or description, having any real or marketable value, and not included in the term real property as above defined.

Where personal property is to be assessed.

SECTION 2. Section 1040 of the Wisconsin statutes of 1898 is hereby amended by inserting after the word "sale" in the seventh line thereof, the words "ice cut and stored" and by inserting after the word "which" at the end of the twenty-ninth line of said section, the word "ice" so that said section when so amended shall read as follows: Section 1040. All personal property shall

be assessed in the assessment district where the owner resides, except as otherwise provided. If such owner, be non-residents of the state or foreign associations or corporations, but having an agent residing in this state in charge of such property, then the same shall be assessed in the district where such agent resides; otherwise in the district where the same is located, except as otherwise provided. Merchants' goods, wares, commodities kept for sale, ice cut and stored, tools and machinery, manufacturers' stock, farm implements, cord wood, live stock and farm products, excepting grain in warehouse, shall be assessed in the district where located. Saw logs and timber which are to be sawed or manufactured in any mill within this state which is owned or leased by the owner of such logs or timber or in which such logs or timber are to be sawed or manufactured by or for the owner thereof shall be assessed as manufacturers' stock in the district where such mill may be located. Saw logs, timber, railroad ties, lumber and other articles, not being manufacturers' stock, shall be assessed where the owner or agent having the same in charge in the case aforesaid resides. No change of location or sale of any personal property after the first day of May in any year shall affect the assessment made in such year. As between school districts, the location of personal property for taxation shall be determined by the same rules as between assessment districts; provided, that whenever the owner or occupant shall reside upon any continuous tracts or parcels of land which shall lie in two or more assessment districts, then the farm implements, live stock and farm products of such owner or occupant, used, kept or being upon such continuous tracts or parcels of land, shall be assessed in the assessment district where he resides at the time of such assessment. All saw logs, timber, railroad ties or telegraph poles cut in this state, owned by any person or corporation not residing and having no agent therein, shall be assessed in the assessment

Ice cut and stored.

district where the same shall be banked or piled for shipment either by water or railroad. It shall be the duty of the assessor of the assessment district in which ice, saw logs, timber, railroad ties or telegraph poles owned by non-residents as aforesaid may be located to ascertain at any time during the month of April in each year the amount of such property in his assessment district, by actual view as far as practicable, fix the value of said property and assess the same to the said owners as other personal property is valued and assessed.

SECTION 3. This act shall take effect and be in force, from and after its passage and publication.

Approved May 3, 1899.

No. 368, S.] [Published May 5, 1899.

CHAPTER 347.

AN ACT to authorize the secretary of state to draw a warrant on the treasury for the payment of a compensation for the compiling of the state treasurer's semi-annual statement of the condition of state and private banks.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Compensation not to exceed $200 annually.

SECTION 1. The secretary of state is hereby authorized to draw a warrant upon the state treasury for the payment of a compensation to such person as the state treasurer may select for the compiling of the semi-annual statement of the

condition of state and private banks required by law to be made by the state treasurer. Such compensation shall not exceed two hundred dollars in any one year.

SECTION 2. This act shall apply to reports which have already been compiled for the year 1899.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 3, 1899.

No. 349, S.] [Published May 4, 1899.

CHAPTER 348.

AN ACT to authorize cities and villages to acquire waterworks and issue bonds therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Third and fourth class cities may buy water-works.

Ch. 348, § 1
1901, c 143

§1 C 348 '99
§1 C 143 '01

§2 C 348 '99
§2 C 143 '01

SECTION 1. Cities of the third and fourth class are hereby authorized to purchase or build water works to supply such cities and the inhabitants thereof with water for fire or domestic purposes or both.

Question to be submitted to electors.

Ch. 348, § 2
1901 c 143 § 2

Ch. 348
116 363 364
366 371
372 374

Ch. 348, § 1
116 363 371

Ch. 348, § 2
116 363 371

SECTION 2. Before proceeding with the purchase or building of such water works the common council of such city shall by resolution passed and signed in the same manner as other resolutions are passed and signed, submit at any municipal or special election to the electors of such city, the question of the purchase or building of such water works, and such electors shall vote

upon such question on a separate ballot, which shall be substantially in the following form:

For the purchase or building of water works.. (As the case may be.)	
Against the purchase or building of water works ..... (As the case may be.)	

Votes, how canvassed.

And the electors shall designate the nature of their vote by making an X in the square immediately opposite the proposition for which they intend to vote, and such ballots shall be counted, canvassed and returned in the same manner as other ballots cast at such election are counted, canvassed and returned.

§3 C 348 '99
§3 C 143 '01
Ch. 348, § 3
1901 c 143 § 3
Ch. 348, § 3
116 363 371

Bonds not to be a municipal liability.

SECTION 3. If a majority of the ballots cast shall be in favor of the purchase or building of such water works (as the case may be) the common council of such city may authorize the mayor and city clerk of such city to issue bonds for the payment of the unpaid portion of the purchase price or cost of construction of such water works, which bonds shall recite upon their face that the same are secured by a trust deed or mortgage upon the water works so purchased or constructed, and that no municipal liability is created thereby, provided always, that such bonds shall bear interest not to exceed five per cent. per annum payable semi-annually, shall not be sold for less than par value, and shall be made payable at the option of such city in not less than five years from the date thereof and absolutely in not more than twenty years from the rate thereof.

§4 C 348 '99
§4 C 143 '01
Ch. 348, § 4
1901 c 143 § 4
Ch. 348, § 4
116 371

Bonds, how secured.

SECTION 4. To secure the payment of the principal and interest of such bonds the common council of such city is hereby authorized to cause the mayor and city clerk of such city to execute to the purchasers of such bonds, or to a trustee selected by such common council a trust deed or

mortgage in such manner and form as such common council may by ordinance prescribe upon such water works so purchased or constructed, and upon all future additions and extensions thereto, which trust deed or mortgage shall among other things provide: that the lien of such trust deed or mortgage upon the property therein mentioned, and upon the income from such water works shall be the only security which the holders of such bonds shall have, and that by such trust deed or mortgage, and by such bonds, no municipal liability shall be created. That the income of such water works over and above the actual and necessary running expenses and necessary repairs shall be kept as a separate fund in the treasury of such city out of which fund the interest on such bonds shall be paid as in said bond, provided, that out of the excess an amount equal to four per cent. of the face value of such bonds shall be annually set aside as a sinking fund, and invested as other sinking funds of such city are invested to meet the principal of such bonds at maturity, and that the income in excess of such running expenses and repairs, interest and sinking fund, may be used for the extension and improvement of such water works.

Provisions for sinking fund.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved May 3, 1899.

No. 2, A.] [Published May 15, 1899.

CHAPTER 349.

AN ACT relating to the form of official ballots for general elections, and amending sections 37, 38, 40, 51, 52 and subdivisions 1 and 3 of section 57, of the Wisconsin statutes of 1898.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

§1 C 349 '99
§2 C 457 '01
Ch. 349, § 1
1901, c 457

County clerk's notice of elections.

SECTION 1. Section 37, of the Wisconsin statutes of 1898, is hereby amended by striking out the word "opposite" where it occurs in the thirty-third line thereof, and inserting in lieu thereof the words "in the square under the name or at any place in the space occupied by," and by striking out the word "after" where it occurs in the thirty-seventh line of said section, and inserting in lieu thereof the word "under;" and by inserting after the word "for" where it occurs in the same line the words "or at any place within the space in which the name is printed," so that said section when so amended shall read as follows: Section 37. In making publication of an election notice, the county or city clerk, as the case may be, shall precede the same with a statement which shall be substantially in the following form, to be modified or varied according to the nature of the election, the caption to which shall be conspicuously displayed:

ELECTION NOTICE.

Office of ——— Clerk.
———, 18——.

Character of election.

To the electors of ——— county, or city:

Notice is hereby given that a general election or judicial or city, or school, or special, or judicial and city election, as the case may be, is to be held in the several towns, wards and election precincts in the county or city of ———, on the ——— day of ———, 18——, at which the of-

ficers named below are to be chosen. The names of the candidate for each office to be voted for, whose nominations have been certified to this office, are given opposite the title of the office and under the appropriate party or other designation, each in its proper column, and the questions submitted to a vote are stated below.

INFORMATION TO VOTERS.

The following instructions are given for the information and guidance of voters. A voter upon entering the polling place and giving his name and residence, will receive a ballot from the ballot clerk which must have endorsed thereon the names or initials of both ballot clerks, and no other ballot can be used. Upon receiving his ballot, the voter must retire alone to a booth or compartment and prepare the same for voting. A ballot clerk may inform the voter as to the proper manner of marking a ballot, but he must not advise or indicate in any manner whom to vote for. If it be a general election these words are to follow: the voter if he wishes to vote for all the candidates nominated by any party, should make a cross mark X under the party designation printed at the top of the ballot in the square made for that purpose. A ballot so marked, and having no other mark, will become [be counted] for all the candidates of that party in the column underneath, unless the names of some of the candidates of the party have been erased or a cross mark be placed in the square under the name or at any place in the space occupied by the name or names of candidates in another column, and will be counted for all names written in lieu of one erased. If the voter wishes to vote for some of the candidates of different political parties, he should make a cross mark under the name of each candidate he desires to vote for, or at any place within the space in which the name is printed. If he wishes to vote for a person for a certain office whose name is not on the ballot, he must write the name in the blank space under the

What ballot clerk may advise.

Marked ballots, how counted.

When name can be written in.

printed name of the candidate for the office. The ballot should not be marked in any other manner. If the ballot be spoiled, it must be returned to the ballot clerk, who must issue another in its stead, but not more than three in all to any one voter. Five minutes' time is allowed in booth to mark ballot. Unofficial ballots or memorandum to assist the voter in marking his ballot can be taken into the booth, and may be used to copy from. The ballot must not be shown so that any person can see how it has been marked by the voter. After it is marked, it should be folded so that the inside cannot be seen, but so that the printed indorsements and signatures of the ballot clerks on the outside may be seen. Then the voter should pass out of the booth or compartment, give his name to the inspector in charge of the ballot box, hand him his ballot to be placed in the box, and pass out of the voting place. A voter who declares to the presiding officer that he is unable to read, or that by reason of physical disability he is unable to mark his ballot, can have assistance of one or two election officers in marking the same, to be chosen by the voter; and if he declares that he is totally blind, he may be assisted by any person chosen by him from among the legal voters of the county. The presiding officer may administer an oath in his discretion, as to such persons disability. The party designations and candidates for the different offices are, for example as follows: insert list of party designations and candidates.

Time allowed in booth.

When voter may be assisted

Office.	Democratic ticket.	People's ticket.	Prohibition ticket.	Republican ticket.	Ind. nominations.
Governor	A. B.	B. C.	C. D.	D. E.	E. F.
Lieutenant Governor	F. G.	G. H.	H. I	I. J.	J. K

———— ————, County Clerk.

No other or further publication of the notice provided for by this and the preceding section, shall be required to be made by any county or city clerk, except that in cities, the clerk shall at the foot of such notice, specify the place of voting in each election precinct, and the hours of opening and closing the polls. The compensation to be paid for all publications of such notice shall be the amounts hereinafter specified and no more. For a general election, in weekly newspapers one hundred and twenty dollars, and in daily newspapers two hundred and forty dollars; for a judicial election, in weekly newspapers twenty-five dollars and in daily newspapers fifty dollars; for a municipal election, in weekly newspapers thirty-five dollars and in daily newspapers seventy dollars, which shall cover all insertions required to be made; provided, that in cities of the first class the compensation for publication of said notice shall be at the rate of, one dollar per square for the first insertion, and seventy-five cents per square for each subsequent insertion. The word square as used in this section, shall be construed to mean a space one inch in length of the column of the newspaper in which any such notice is published; but any fraction of a square shall be paid for as a full square.

Voting places to be specified.

Fees for publication of notice.

SECTION 2. Section 38 of the Wisconsin statutes of 1898, is hereby amended by inserting after the word "party" where it occurs in the twelfth line of said section, the words "which columns are to be separated by heavy black lines no less than one-eighth of an inch wide," and by inserting after the word "printed" where it occurs in the sixteenth line of said section, the words "in a space separated from the other names in that column by a line not less than one-sixteenth of an inch wide," and by striking out the words "on the same line with the name of each candidate and at the end of his name," where they occur in the thirty-second and thirty-third lines of said section, and inserting in lieu thereof the words, under the name of each candidate," and by striking out the words "opposite the name of such can-

Form of ballot described. §2 C 349 '99 §3 C 457 '01

Ch. 349, § 2 1901 c 457 § 3

didate" where they occur in the thirty-fifth and thirty-sixth lines thereof, and by striking out the words "following that, on the same line," where they occur in the fifty-third line of said section, and insert in lieu thereof the words "under that," so that said section when so amended shall read as follows: Section 38. Every ballot printed under the provisions of this chapter for use at general elections, shall be upon white print paper at least twelve inches wide and of any sufficient length to afford space for all the tickets or several candidates in columns therein; said paper shall be cut form sheets twenty-four by thirty-six inches in size, and weighing thirty-five pounds to the ream; if a different sized sheet is used the weight per ream shall be proportioned as above. The several regular party tickets nominated by conventions or by regularly constituted and authorized committees, shall each be printed in one column, under the appropriate party designation, the columns to be arranged alphabetically according to the first letter of the party name, thus democratic party, labor party, prohibition party, republican party, which columns are to be separated by heavy black lines no less than one-eighth of an inch wide; such party designation to be given as hereinbefore provided. On the left hand side of the ticket shall be a column designating the office to be voted for, and on the same line, in the columns under the appropriate party designations of each, all the names of candidates duly nominated for that office, shall be printed in a space separated from the other names in that column by a line not less than one-sixteenth of an inch wide; provided that no county clerks shall place the name of any person upon such ballot as a candidate for the office of county superintendent of schools, unless such person shall have filed in such clerk's office, at least ten days before the day of election at which such superintendent is to be elected, proof of having successfully taught in one or more of the public schools of this state, for the period of eight months, and a copy of a cer-

Kind of paper to be used.

No name to appear twice on ballot.

tificate entitling him to teach in any such school or of a certificate known as a county superintendent's certificate unless such person, before the first day of May, 1895, had held the office of county superintendent of schools in this state. There shall be a space between the party designation at the top of each column and the name of the head of the ticket of five-eighth of an inch; and in the center of the space under the party designation, a square of three-eighths of an inch formed by black lines, in which the voter by his mark may declare that he votes for all names printed in that column, except such as are erased or written over or otherwise marked, as hereinafter specified. There shall also be left under the name of each candidate sufficient space to write a name therein in lieu of the one printed; and under the name of each candidate there shall be a space inclosed in a square of black lines in which the voter may designate by a cross mark, or other mark, his choice for each candidate. No pasting names over a ticket or over any names thereon shall be allowed, and no names so pasted shall be counted except as provided in section 34. When any person is nominated for the same office, by more than one party or convention, his name shall be placed upon the ticket under the designation of the party which first nominated him, or if he was nominated by more than one party or convention at the same time, he shall, within the time fixed by law for filing certificates of nomination, file with the officer with whom his certificate of nomination is required to be filed, a written election indicating the party designation under which he desires his name to be printed on the ballot, and it shall be so printed. If he shall refuse or neglect to so file such an election, the officer with whom the certificate of nomination is required to be filed, shall place his name under the designation of either of the parties by which he was nominated, but under no other designation whatever. The names of persons nominated by paper nominations, shall be placed in one or more columns under the designation of individ-

Space for writing in names.

When person is nominated by more than one party, to file written election.

Paper nominations.

ual nominations, and on the same line with the office for which they are nominated, and after the name of each shall be printed his party designation as given in his nomination papers, and under that the space for marking, provided that the name of the same individual shall not be placed on the ticket under the head of individual nominations if his name already appears under a party designation. On the back and outside of every ballot shall be printed the words, official ballot for ———— ————, followed by the designation of the polling place for which the ballot is prepared and the date of the election, the official endorsement and blank certificates in the following forms: I certify that the within ballot was marked by me for an elector incapable under the law of marking his own ballot, and as directed by him.

Filing on back of ballot.

———— ————, Inspector of Election.

I certify that the within ballot was marked by me for a blind elector at his request, and as directed by him. ———— ————. No party designation need be placed upon ballots for school or judicial officer, except for county or district superintendents of schools outside of cities. Ballots for judicial and city elections shall be printed upon the quality of white print paper hereinbefore specified, and shall be of sufficient size to afford space for all the tickets or several candidates in columns therein. Party candidates shall be arranged thereon as above provided for ballots at general elections, and the names of persons nominated by nomination papers, and not included in the regular convention tickets, shall be placed as is provided for individual nominations on the ballots at general elections. Such ballots shall have similar matter printed on the back and outside as other official ballots are required to have.

Ballots for judicial and city elections.

§3 C 349 '99
§4 C 457 '01

Official ballot.

SECTION 3. Section 40 of the Wisconsin statutes of 1898, is hereby amended so as to read as follows: Section 40. The official ballots for general elections and for regular city elections, with the indorsements thereon, and the instructions

Ch. 349, § 3
1901 c 457 § 4

given at the head thereof as herein amended, shall be in substantially the annexed form, provided, that ballots for such city elections may be varied as to the titles of the offices to be printed thereon, to conform to the law under which each such election is held.

Ballot, how voted.

SECTION 4. Section 51 of the Wisconsin statutes of 1898, is hereby amended by striking out the word "against" where it occurs in the fifth line of said section, and inserting in lieu thereof the words "in the space in which appears," so that said section when so amended, shall read as follows: Section 51. On receiving his ballot the elector shall forthwith, and without leaving the polling place, retire alone to one of the booths or compartments to prepare the same, which shall be done, in the case of a general election, by marking at the head of the ticket he wishes to vote for, or in the space in which appears the name of the person or persons he wishes to vote for, a cross mark, thus X, or, in case of a ballot containing a constitutional amendment or other question submitted to the people, by making in the appropriate margin or place, a crossmark or other symbol, as herein provided, under or against the answer he desires to give as his vote; but in judicial or school elections, he must make such crossmark after the name of each person he desires to vote for. If he wishes to vote for a person for a certain office whose name is not on the ballot, he must write such name in the blank space under the printed name of one of the candidates for that office. An elector may use or copy an unofficial sample ballot which may have been marked in advance of his entering the polling place, but he shall not use or bring into such place any such ballot printed upon paper of the color or quality required to be used for printing official ballots. After preparing his ballot, the elector shall fold it so that its face will be concealed, and so that the printed indorsement and signatures or initials of the ballot clerks thereon may be seen. He shall then vote forthwith and before leaving the polling place.

Voter may use for copy an unofficial ballot.

Marked ballots, how counted.

SECTION 5. Section 52 of the Wisconsin statutes of 1898, is hereby amended by striking out the word "against," where it occurs in the sixth line of said section, and inserting in lieu thereof the words "in the space in which appears," so that said section when so amended, shall read as follows: Section 52. At any election, other than a judicial or school election, any elector may mark a cross as above described in the space under a party designation printed at the head of the ballot. Such ballot so marked shall be counted for all the nominees of the party whose names and designations appear thereon in that column, unless the voter shall have erased some name therein, or marked in the space in which appears the name of another candidate for the same office in some other column, or written in another name, in which case the name written in or so marked, shall be counted as the one voted for the particular office. Ballots cast at such elections as are excepted from the provisions of this section, must be marked as is required by the provisions of the preceding section.

Straight tickets, how voted.

SECTION 6. Subdivision 1 of section 57, of the Wisconsin statutes of 1898, is hereby amended by striking out the word "opposite" where it occurs in the sixth line of said subdivision, and inserting in lieu thereof the words "in the space in which appears," so that said subdivision when so amended, shall read as follows: 1st. If the elector shall place on his ballot at a general election, a cross mark or other equivalent mark or symbol under a party designation, at the head of the column, in or near the space indicated for that purpose, he shall be deemed to have voted for all the candidates whose names appear in the column under such mark, unless some name or names shall be erased, or unless in some other column he shall have placed a mark in the space in which appears the name of some other candidate for the same office.

Intent of voter to govern.

SECTION 7. Subdivision 3 of section 57, of the Wisconsin statutes of 1898, is hereby amended so as to read as follows: 3rd. If an elector shall

ıark his ballot with a crossmark, X, or any other ıark, as

|, \, V, O, —, /, ✓, +,

t any place within the space in which the name ppears, indicating an intent to mark any such ame, it shall be deemed a sufficient vote for the andidate whose name occupies such space.

SECTION 8. All acts or parts of acts contravenıg the provisions of this act, are hereby repealed.

SECTION 9. This act shall take effect and be ı force, from and after its passage and publicaion.

Approved May 4, 1899.

'o. 371, S.] [Published May 9, 1899.

CHAPTER 350.

N ACT construing chapter 311 of the laws of Wisconsin for the year 1899.

he people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Nothing contained in chapter 311 the laws of the state of Wisconsin for the year 899 shall be construed as altering, amending or pealing chapter 266 of the laws of the state of 'isconsin for the year 1899. Relating to Dane county.

SECTION 2. This act shall take effect and be force from and after its passage and publicaon.

Approved May 3, 1899.

No. 51, A.] [Published May 5, 1899.

Ch. 351
114 67 77

CHAPTER 351.

AN ACT to correct certain errors and supply certain defects in the Wisconsin statutes of 1898.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Division of election districts.

SECTION 1. Section 16 of the Wisconsin statutes of 1898, is amended by inserting after the word "act" in the seventeenth line, the words "as election officers."

Nominations, how made.

SECTION 2. Section 30 of said statutes is hereby amended by striking out the word "two," in the ninth line from the bottom of said section on page 180, and inserting in place thereof the word "one."

See chapter 349, laws of 1899.

SECTION 3. Section 37 of said statutes is hereby amended by striking out of lines eleven and twelve on page 186, the words "if it be a general election, these words are to follow."

Ch. 351 § 3
1903 c 197

Corrections of Errors.

Session Laws 1899.

Ch. 351 § 3
Not correct
It is Ch. 354
§ 3
1903 c 197

See chapter 349, laws of 1899.

SECTION 4. Section 38 of said statutes is amended by striking out the word "successfully" in the sixth line from the bottom of page 187, also by inserting after the word "state" in the last line of said section, on page 187, the words "the affidavit of said candidate shall be prima facie proof of having so taught."

Clerical help.

SECTION 5. Section 140 of said statutes is amended by adding after the word "law" in the third line, the words "a chief clerk."

Appropriation for salaries.

SECTION 6. Sction 172 of said statutes is amended by adding at the end thereof the following: "all appropriations made by these statutes for current annual expenditures or other regular annual uses shall be payable in equal proportionable sums in advance at the beginning of each quarter year, unless it be otherwise directed."

SECTION 7. Section 305 of said statutes is hereby amended by striking out of the fourth line of said section the following words: "each of the cities of Madison, Milwaukee and Chicago," and inserting in place thereof the words: "the state of Wisconsin, that shall in their discretion best protect the interests of the state." Advertisement for paper.

SECTION 8. Section 317 of said statutes is amended by striking out the word "forty" in the fifth line and inserting in place thereof the word "fifty." Also by striking out of lines seven and eight the following, "and ten copies shall be printed from the same type upon bond paper." Journals of legislature.

SECTION 9. Section 355 of said statutes is hereby amended by inserting after the word "states" in the eighth line of said section, the words "each charitable and penal institution, normal school, the adjutant general, quartermaster general, superintendent of public property, chief clerk of the land office, dairy and food commissioner, commissioner of labor and statistics, the state fish and game warden, the state treasury agent, the state bank examiner, and the state veterinarian." Distribution of session laws.

SECTION 10. Said section 355 is hereby further amended by adding a new subdivision which shall be known as subdivision 3, and shall read as follows: Subdivision 3. There shall also from time to time be furnished to each elective state officer, to the adjutant general, to the quartermaster general, to the superintendent of public property, to the chief clerk of the land office, to the dairy and food commissioner, to the commissioner of labor and statistics, to the state fish and game warden, to the state treasury agent, to the state bank examiner, to the state veterinarian and to the justices of the supreme court, such further copies as shall be necessary or convenient for the transaction of the business of their respective offices." Session laws for use in departments.

SECTION 11. Section 670 of said statutes is amended by striking out the word "except" in the third line of subdivision 11 of said section. Powers of county boards.

SECTION 12. Section 685 of said statutes is hereby amended by striking out the eighth line of Trial of appeals.

said section, which reads as follows: "except that the issue or issues arising therein shall be tried by the court."

Ch. 351 § 13
115 460 462

Re-assessment of property.

SECTION 13. A new section is hereby added to the statutes of 1898 to be numbered and to read as follows: Section 1087a. Any property described in section 1037a shall be subject to re-assessment for reasons stated, and in the manner provided in section 1087.

Eligibility of county superintendent.

SECTION 14. Section 702a of said statutes is amended by striking out the last sentence thereof, beginning with the words "no person," and ending with the word "office."

Sheriff's fees.

SECTION 15. Section 731 of said statutes is amended by striking out the word "felony," in the first line of subdivision 34, and inserting in place thereof the words "any criminal offense."

Constable's fees.

SECTION 16. Section 843 of said statutes is amended by striking out the word "felony" in the tenth line from the bottom of said section, and inserting in place thereof the words "any criminal offense," in lieu of statutory fees.

Peace officers, who are.

SECTION 17. Section 888 of said statutes is amended by striking out the words and figures "37 of this act," and inserting in place thereof the words and figures "section 884."

Transcripts on division of territory.

SECTION 18. Section 959–8 of said statutes is hereby amended by inserting after the word "town," in the fourth line thereof, the word "city."

See chapter 323, laws of 1899.

SECTION 19. Section 1058 of said statutes is amended by striking out the word "copying" in the second line thereof.

Ch. 351 § 19
See 1901 c 389 § 2

School fund tax.

SECTION 20. Section 1072a of said statutes is hereby amended by striking out the words "on or before the first day of November," in the eighth line thereof, and inserting in place thereof the words "between the tenth and fifteenth days of December."

1899 c 351 § 21
119 239 242

Actions of ejectment.

SECTION 21. Section 1189a of said statutes is hereby amended by striking out in the fifth line thereof the words "nine months," and inserting in place thereof the words "three years." Also by striking out in lines six, seven and eight of said

section the following: "no such action shall be brought as to lands so purporting to be conveyed by tax deed recorded after the first day of December, 1895, unless the same be brought within four years from the date of the recording of such deed."

Reports of state board of health.

SECTION 22. Section 1407 of said statutes is amended by striking out the last sentence thereof, which sentence read as follows: "such reports shall not be bound with the public documents."

Use of license money.

SECTION 23. Section 1562 of said statutes is hereby amended by striking out of said section, in the third line thereof, the words "except as provided in section 931."

As to peddlers.

SECTION 24. Section 1576 of said statutes is amended by making the words in brackets in the sixth and seventh lines from the bottom a part of said section.

Fire escapes on buildings.

SECTION 25. A new section, to be designated as section 1636ee, consisting of printed matter in brevier type, and enclosed in brackets at the top of page 1187 of said statutes, is hereby enacted, relating to fire escapes on buildings.

§25 C 351 '91 See C 173 '01

Ch. 351, § 25 See 1901 c 173

1899, c 351, § 25 110 398

Watchman in buildings.

SECTION 26. Section 1636g of said statutes is amended by striking out "1636e," in the second line, and making the same "1636ee."

Filing articles of foreign corporations.

SECTION 27. Section 1770b of said statutes is hereby amended by striking out the words "or common law partnership," in the second and third lines, and the words "partnership" and "copartnership" wherever they occur in said section. The said section is further amended by striking out all of said section commencing with the words "every subsequent violation," and ending with the words "in like manner," in lines seven, eight, nine and ten, on page 1280. Also by adding at the end of said section the following: Any corporation which has deposited in the office of the secretary of state a written instrument in compliance with section 1750a of the annotated statutes, shall not be required to make any further deposit of its articles under this act. Also by striking out the words "the first" in the last line on page 1279.

Ch. 351 § 27 114 77

Ch. 351 § 27 See 05 c 50

SECTION 28. Section 1785 of said statutes is

Supervision of hospitals.

hereby amended by striking out the words "charities and reform," in the next to the last line thereof, and inserting in place thereof the word "control."

Industrial schools.

SECTION 29. Section 1786 of said statutes is amended by striking out the words "charities and reform," in the next to the last line, and inserting in place thereof the word "control."

Premiums recoverable as costs.

SECTION 30. Section 1966-36 of said statutes is amended by adding at the end thereof the following: "Not exceeding two per centum of the amount of such obligation."

Judgments.

SECTION 31. Section 2236 of said statutes is hereby amended by adding after the word "controversy," in the third line, the words "or operating to pass title thereto or otherwise affect the title."

Terms of court.

SECTION 32. Section 2424 of said statutes is amended by inserting after the word "county," in the third line from the bottom of said section, the words "in each circuit."

Struck juries, how drawn.

SECTION 33. Section 2544c of said statutes is amended by striking out the words "with the original lists of jurors returned in either of the modes provided by section 2526, containing the names of persons who are then liable to serve as petit jurors," where they appear in the third, fourth, and fifth lines of said section. Also by striking out the words "said lists," where they appear in the seventh line of said section, and inserting in lieu thereof the following: "the lists provided for in section 2533b." Also by striking out the words "pursuant to the order of the court," where they occur in the seventeenth line of said section.

Assignment of judgment.

SECTION 34. Section 2906 of said statutes is hereby amended by striking out the words "made be made" in the second line, and inserting in place thereof the words "may be made."

Costs when executors parties.

SECTION 35. Section 2932 of said statutes is amended by inserting after the word "capacity," in the fifth line from the bottom, the words "in such action or proceeding;" and also by striking

out the words "per annum," in the third line from the bottom.

SECTION 36. Section 2968 of said statutes is amended by striking out the word "on," in the next to the last line, and inserting in place thereof the word "or." When execution may issue.

SECTION 37. Section 3030 of said statutes is hereby amended by striking out the word "in," where it last occurs in the eleventh line of said section, after the word "county," and inserting in place thereof the word "to." Supplementary proceedings.

Ch. 351. § 38
114 652

SECTION 38. Section 3187a of said statutes is amended by striking out of the fifth line from the bottom the words "certified copy of any." Taking land for highway.

Ch. 351 § 38
1901 c 276

SECTION 39. Section 3342b of said statutes is amended by striking out the words "who scaled the logs," in the eighth line, and inserting in place thereof the words "in the district where the logs were scaled." Liens on logs.

SECTION 40. Section 3526 of said statutes is hereby amended by striking out all after the word "government," in the ninth line of said section, and inserting in place thereof the following: "A copy of such notice shall be served by the sheriff in the manner of serving a summons in a civil action upon the mortgagor, if he shall be found within the county, and if the return of the sheriff shall show that the mortgagor cannot be so found, a copy of such notice shall be posted in a conspicuous place upon the mortgaged premises, and also served upon the occupant thereof, if any." Notice of foreclosure of mortgage.

SECTION 41. Section 3627 of said statutes is amended by inserting after the word "contract" in the third line, the word "or." Offer of judgment in actions.

SECTION 42. Section 3844, of said statutes is amended by striking out figures "3839," where they occur in said section and inserting in lieu thereof, the figures "3840." Claims on county court.

SECTION 43. Section 3930 of said statutes is amended by striking out the words "on his bond, as provided in section 2932," in the last line, and inserting in place thereof the words "on any bond Assignment of estate.

or undertaking given by him in the case, but not exceeding two per centum of the amount thereof."

Guardian's bond.

SECTION 44. Section 3966 of said statutes is hereby amended by striking out the words "to the minor," in the second line, and inserting in place thereof the words "to the judge of the county court." Also by adding at the end of said section the following: "bonds heretofore made to the judge of the county court under the provisions of this section are hereby ratified and confirmed and made as good and valid in all respects as though the same had been authorized by this section."

Subpoenas, when may issue.

SECTION 45. Section 4053, of said statutes is amended by inserting after the word "county," in the second line of subdivision 3, the word "town."

Depositions, taking of.

SECTION 46. Section 4112 of said statutes is amended by striking out the words "except that the notice of the taking of the same shall be given at least ten days," and by inserting in place thereof the words "notice being given as provided in section 4102."

State librarian authorized to certify copies of laws or opinions.

SECTION 47. Section 4136 of said statutes is amended by adding at the end thereof the following: "the state librarian shall have authority to make certified copies of the opinion of any court, or of any statute, law, act or resolution of any state or territory, or of any foreign country, contained in any book in the state library, and the same so made and certified, shall be received as prima facie evidence of the contents of such opinion, statute, law, act or resolution." He shall receive therefor such fees as are provided by the rules of the supreme court for certified copies of opinions made by the clerk of said court.

Certified copies.

SECTION 48. Section 4149 of said statutes is amended by striking out the word "direct," in the fifth line, and inserting in place thereof the word "correct."

Commitments to industrial schools.

SECTION 49. Section 4969 of said statutes is amended by adding at the end thereof the following: "any child, male or female, under the age of eighteen, convicted of a criminal offense, may, in the discretion of the judge or magistrate

fore whom the case is tried, be committed to one the industrial schools of this state; instead of the state prison, house of correction, county il, or police station, as the case may be, until ating the age of twenty-one years, subject to the ovisions of this section."

SECTION 50. This act shall take effect and be force, from and after its passage and publica-on.

Approved May 4, 1899.

). 536, A.] [Published May 9, 1899.

CHAPTER 352.

N ACT concerning the construction of free gravel, stone or other macadamized roads, pro-viding for their location, the manner of their onstruction, and providing for the payment of he same, and for their maintenance.

e people of the state of Wisconsin, represented in enate and assembly, do enact as follows:

SECTION 1. Whenever fifty or more resident eholders of any town within the state, shall file h the town clerk their petition in writing, re-sting the supervisors of any such town to im-ve any highway, or highways therein, by grad-, gravelling, paving with stone, or macadamiz-the same, the supervisors shall by order to be made within ten days from and after the filing uch petition, appoint an engineer and two dis-rested freeholders of such towns as viewers, xamine the highway, or highways, described he petition; to make a profile of the grade reof, and to determine the extent and char-r of the work to be done, and the character

Proceedings for securing macadam roads, how started.

and quantity of the materials to be furnished and used, with an estimate of the cost of the construction and completion of the work proposed to be done, including all bridges, culverts, drainage and other work necessary to the completion of the improvement proposed. Such appointment shall be in writing, signed by the supervisors and filed with the town clerk as a part of the record in the proceedings. Before entering upon his duties as viewer, each person so appointed shall take and subscribe before the town clerk, or some authorized officer, an oath to support the constitution of the United States, and the constitution of this state, and to faithfully discharge the duties of his office as viewer to the best of his ability, and shall file the same, duly certified by the officer administering it, in the office of the town clerk.

Appointment of viewers to be in writing.

Duty of viewers.

SECTION 2. The viewers so appointed, shall proceed to view the highway or highways, sought to be improved, and shall prepare the necessary plans, plats and profiles showing the location and extent of the work proposed to be done, with full specifications thereof and with an estimate of the cost thereof, all of which shall be embodied in a report to the supervisors of said town, which said report shall be filed in the office of the town clerk within thirty days from and after the date of the appointment and qualification of such viewers.

Contents of application.

SECTION 3. The application hereinbefore referred to, shall clearly and distinctly describe the point of beginning and the terminus of each road, or roads, proposed to be improved, with the common name and general direction of such roads, with the distance in miles, or fractions thereof, covered by such improvement, and shall further describe, in general terms, the character of the improvement sought to be made, with the material which it is desired shall be used.

Electors to vote upon question.

SECTION 4. All petitions filed under this act, shall be voted upon at the annual, or any special, town meeting held in the towns so petitioning. A notice of the filing of such petition, and that it shall be voted upon at the next annual town meeting, or at a special town meeting, to be held in

any such town, shall be published in at least one newspaper, printed and published within the county, and within which such town is situate, once each week for three successive weeks preceding the time of the holding of such town meeting, and copies of such notice shall be posted for the same time in at least three public places within such town, prior to the date of such town meeting. Such notice shall set forth the date of the filing of the petition, the highways sought to be improved, and the estimated cost of such proposed improvement as such cost is found and determined by the viewers, as hereinbefore set forth, and if more than one application is to be voted upon at any annual or special town meeting, all of such applications may be referred to and covered in the same notice, but each application shall be voted for separately and shall be designated in the notice and on the ballots hereinafter provided for, as "Application No. 1," "Application No. 2," etc. The ballots upon the question submitted shall contain the words "Application No. ——," "For Building of Road," or, "Against Building of Road." Such ballots shall be deposited, in a separate ballot box in each voting precinct. The vote on such question shall be canvassed by the town board in the same manner as votes on all other questions are canvassed, and if at such town meeting a majority of the votes on such question are in favor of building such road, or roads, the supervisors shall at once proceed to the construction of the same, but not otherwise.

Notice, how given.

Notice, what to contain.

Separate election for each application.

SECTION 5. When the voters of any town have determined to improve any highways by vote, and in the manner hereinbefore provided, it shall be the duty of the supervisors of said town to advertise in at least one newspaper of general circulation, published in the county in which such town is situate, and by posting copies of such advertisement in five or more public places in such town, for bids for the construction and completion within the time to be fixed by the town board and stated in such notice, of the improvements as

Supervisors to secure bids for construction of roads.

described, specified and set forth in the report of the viewers, hereinbefore referred to. Such advertisement shall be published and posted for at least thirty days prior to the time fixed therein for the receiving of bids. Each bidder shall file with his bid, a good and sufficient bond running to the town as obligees in twice the amount of such bid, conditioned that in the event the contract for such improvement is awarded to such bidder, that he will well and faithfully perform the work proposed within the time fixed in said notice. The contract entered into, shall require the proposed work to be done in strict compliance with the plans and specifications prepared by the viewers, and such plans and specifications by distinct reference thereto, shall be made a part of each contract entered into hereunder.

Bidder to file bond.

Question of taxing or bonding may be submitted to voters.

SECTION 6. At the time of filing the petition hereinbefore referred to, and as a part thereof, the petitioners may request the supervisors of said town to submit to the voters thereof, at the annual or special town meeting at which such petition is to be voted on, the question of levying a tax or issuing the bonds of said town to raise money for the purpose of paying all or any part of the cost of said proposed improvement. Whenever such request is made, the supervisors shall include in the notice to be published prior to the holding of the annual or special town meeting at which such petition is to be voted on, a further notice that at such meeting the question of authorizing the execution, issuance and sale of the bonds of said town to raise money for the purpose aforesaid, will be voted upon by the electors assembled, and no such bonds shall be issued or sold unless authorized in the manner as set forth in section 777 of the revised statutes of the state of Wisconsin. Such bonds, if authorized and provision made for the payment thereof, as herein provided, shall be in denominations of not less than fifty dollars each, shall be divided into not more than ten equal series and shall be made payable as follows: The first series in one year, the second series in two years, the third series in three

Description of bonds.

years, the fourth series in four years, the fifth series in five years, the sixth series in six years, the seventh series in seven years, the eighth series in eight years, the ninth series in nine years, the tenth series in ten years. Such bonds shall bear interest at a rate not to exceed five per cent per annum payable annually. The town treasurer of any such town shall give public notice of the time and place of the sale thereof by publishing a copy of such notice in one or more newspapers within the county wherein such town is situate, and by posting copies thereof in at least three public places within such town for three successive weeks next preceding the time fixed for such sale. Such bonds shall be sold to the highest and best bidder for cash, and shall in no case be sold below par, and the moneys derived therefrom shall be held as a separate fund to be used in paying the cost of such proposed improvement, to be disbursed upon orders issued in the manner provided by law; provided, however, that payments to the contractor shall at no time exceed eighty per centum of the contract price of work actually done under the contract until the entire work is completed and accepted, when payments shall be made of the balance due to him under his contract.

Notice of sale of bonds.

SECTION 7. The compensation of persons employed under this act shall be as follows: engineer, five dollars per day; other viewers, two dollars per day; engineer's helpers not to exceed one dollar and fifty cents per day.

Compensation of persons employed on roads.

SECTION 8. The board of supervisors of any town in which improvements are to be made under this act, shall appoint a competent superintendent, to be governed by such rules and regulations as the supervisors may impose, to supervise the work contracted for. The compensation of such superintendent, shall be two dollars for each day's work actually performed by him and no more. He shall render a verified statement of the actual time employed to the supervisors, and payment shall be made to him in accord there-

Supervisors to appoint superintendent of construction.

with. Such superintendent shall give bond to the town, to be approved by the supervisors, in the sum of five hundred dollars, conditioned that he will faithfully discharge his duties as such superintendent.

Not to interfere with highway laws.

SECTION 9. This act shall be deemed in no manner to interfere with or otherwise affect any law concerning the building or maintenance of highways in the state of Wisconsin.

SECTION 10. This act shall take effect and be in force, from and after its passage and publication.

Approved May 4, 1899.

No. 242, A.] [Published May 10, 1899.

CHAPTER 353.

AN ACT to amend section 1636c of the Wisconsin statutes of 1898, relative to state forest wardens, and the better protection of life and property against forest fires.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Where fire wardens are to be appointed.

S1 C 353 '99
S4 C 450 '03

Ch. 353 § 1
1903 c 450 § 4

SECTION 1. Section 1636c is hereby amended by striking out the words "shall appoint at least one fire warden in each organized town, and shall keep a register of the name and postoffice address of each" in the second line of said section, and insert in lieu thereof "shall appoint one or more fire wardens in each of the following counties: Ashland, Barron, Bayfield, Burnett, Chippewa, Clark, Douglas, Dunn, Florence, Forest, Iron, Jackson, Langlade, Lincoln, Marathon, Marinette, Oconto, Oneida, Polk, Portage, Price, Sawyer, Shawano, Taylor, Vilas, Waupaca, Washburn, and Wood; provided, that he may appoint

fire wardens in any town of any other county in the state upon being requested to do so by the town board of supervisors," so that when so amended said section 1636c shall read as follows: Section 1636c. The state forest warden shall appoint one or more fire wardens in each of the following counties: Ashland, Barron, Bayfield, Burnett, Chippewa, Clark, Douglas, Dunn, Florence, Forest, Iron, Jackson, Langlade, Lincoln, Marathon, Marinette, Oconto, Oneida, Polk, Portage, Price, Sawyer, Shawano, Taylor, Vilas, Waupaca, Washburn and Wood; provided that he may appoint fire wardens in any town of any other county in this state upon being requested to do so by the town board of supervisors. Every warden shall, before entering upon the duties of his office take and subscribe an oath of office, and file the same with the forest warden. He shall take all necessary precaution to prevent the improper setting or progress of fires in his or adjoining towns within eighty rods of the line of his town when the fire warden of the adjoining town is unable or unwilling to do so; and shall, when credibly informed that a fire has been improperly set or allowed to burn in any territory within his jurisdiction, take such steps as shall be necessary to prevent the spread of, and in all proper cases to extinguish the fire. He may summon any resident of his town or of the immediate vicinity of the fire to assist him in so doing, and when such summons is reasonable it shall be the duty of the person summoned to render such assistance. The fire warden and the person so summoned shall receive a reasonable compensation for their service not to exceed twenty cents per hour for the time actually employed, to be paid out of the treasury of the town where such fire shall occur, and which account shall be audited and paid as other accounts; but the total amount of such accounts shall not exceed one hundred dollars for each thirty-six sections, in any one year in any one town. Any fire warden who shall refuse to carry out the provisions of this section, or any person

Duty of wardens.

Compensation of wardens.

Penalty.

who shall refuse, when called upon by the fire warden, to rended any reasonable assistance, shall be punished by a fine of not more than ten dollars and the costs of prosecution, or by imprisonment in the county jail not more than ten days, or by both such fine and imprisonment.

SECTION 2. This act shall take effect and be in force, from and after its passage and publication.

Approved May 4, 1899.

No. 535, A.] [Published May 5, 1899.

Ch. 354
See 05 c 437
R. 05 c 493

CHAPTER 354.

AN ACT relating to the payment of license by street railway and electric companies, amending sections 1222c, 1222d, and 1222e Wisconsin statutes of 1898, and enacting a new section.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Street railway companies to file report with city treasurer.

SECTION 1. Section 1222c of the Wisconsin statutes of 1898, is hereby amended by striking out the word "or" where it occurs in the ninth line of said section and inserting in lieu thereof the word "and" so that said section when so amended shall read as follows: Section 1222c. Every person, company or corporation engaged in the operation, management and maintenance of a street railway, operated by mechanical power only, or manufacturing or furnishing electric light or power, shall pay as herein provided, an annual license fee. It shall be the duty of such person, and of the secretary of every such company or corporation, to file on the first Monday of December of each year with the treasurer of the city or village

from and through which its franchise is derived, a true and correct statement of the gross receipts of said railway company and said electric lighting or power company, derived or accruing from the operation thereof during the preceding twelve months. Such statement shall be duly verified by such person or one of the general officers of such company, and if such person or any such officer makes any false material statement therein, he shall be guilty of perjury. On or before the fifteenth day of December 1898, and on each succeeding fifteenth day of December, every such person and company shall pay to the treasurer of such city, village or other municipality, a sum of money equal to the percentage of its gross receipts as herein provided. If any such person, company or corporation, doing business within this state, shall willfully neglect or refuse for a period of ten days after the first Monday of December in each year, so to file such verified statement, each and every one of the general officers of such company or corporation, and every such person so in default, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

When to pay tax.

SECTION 2. Section 1222d, Wisconsin statutes of 1898, is hereby amended by striking out the word "eight" where it occurs in the eighth line of said section, and inserting in lieu thereof the word "five," and by striking out the words "three per cent. on the first eight hundred thousand dollars and where the same occur in the eleventh and twelfth lines thereof, and by striking out the words "over eight hundred thousand dollars" where the same occur in the twelfth and thirteenth lines of said section; also by striking out the word "eight" where it occurs in the fourteenth line of said section and inserting in lieu thereof the word "four," and by striking out the words "one and one-half per cent. on the first two hundred and fifty thousand dollars or less and" where the same occur in the seventeenth and eighteenth lines of said section, and by striking

Amending portion.

out all of the words in the nineteenth line of said section, also by striking out the word "amounts" where it occurs in the twelfth and eighteenth lines of said section, so that said section when so amended shall read as follows: Section 1222d. In case any such person, company or corporation shall neglect to pay such license fee for the period of ten days next succeeding the fifteenth day of December in any year, the city, village or other municipality to which such license fee is due shall have a right of action against every such person, company or corporation with all remedies provided by law in cases of actions on contract. All such persons, electric street railways and electric lighting or power companies referred to in section 1222e, whose gross cash receipts shall equal or exceed five hundred thousand dollars per annum, are hereby designated of the first class, and such license fee shall be calculated upon the actual gross cash receipts of such person, company or corporation aforesaid, as follows: four per cent. upon all of such receipts. Those whose gross cash receipts shall be less than five hundred thousand dollars per annum are hereby designated of the second class, and the license fee therefor shall be calculated upon the actual gross cash receipts of such person, company or corporation aforesaid as follows: two per cent. on all of such receipts.

Right of action for failure to pay license.

Classification of railways.

83 C 354 '09
81 C 197 '03

Amending portion.

SECTION 3. Section 1222e, Wisconsin statutes of 1898, is hereby amended by striking out the word "nine" where it occurs in the seventeenth line of said section, and inserting in lieu thereof the word "twelve;" by striking out the word "two-thirds" where it occurs in the twentieth line of said section, and inserting in lieu thereof the word "three-fourths;" by striking out the word "ninety-one" where it occurs in the twenty-fifth line of said section, and inserting in lieu thereof the word "eighty-eight," so that said section, when so amended, shall read as follows: Section 1222e. In case any such person, company or corporation shall operate a line of railway or operate a lighting plant or have its poles or wires lo-

Where road lies in two or more municipalities.

cated in two or more municipalities, he or it shall pay to each of said municipalities a proportionate share of the license fee mentioned herein, arising from the gross receipts of said railway system or plant, based upon the number of miles of track operated by said railway company within each such municipality, and in the case of a lighting or power company based upon the proportionate number of feet of wire in each municipality; provided, that when any person, company or corporation operates and maintains a street railway within the limits of any city and its line of track extends outside of the limits of said city to towns or villages, the division of such license fee between said several municipalities, shall be made upon a mileage basis as aforesaid, but in such division, such city where such principal portion of the railway is maintained, shall receive three portions of such fee for every mile within its boundaries, to one portion in towns or villages. The treasurer of each municipality shall pay, on or before March 1st in each year, to the treasurer of the county in which such municipality is located, twelve per cent. of the license fee so collected as a just and proper proportion of the amount thereof, to be applied as state and county tax, and the county treasurer shall pay, on or before April 1st in each year, to the state treasurer, three-fourths of the amount so received by him as a just and proper proportion of such license fee, to be applied as a state tax and to be in lieu thereof; and where there is more than one taxing district or ward in any such municipality, the comptroller of such municipality or other proper officer, shall on or before December 30th in each year, apportion the eighty-eight per cent. of such license fee so collected and paid to such municipality, among the taxing districts or wards thereof through which the line of railway or line of lighting plant shall pass, according to the number feet of railway track or wire in each such ward or taxing district; and when so apportioned the same shall belong to and be a part of the respective ward funds, and shall be used for ward

When made on mileage basis.

Apportionment of license fee.

fund purposes only in case any such division is made in such municipality under its charter or ordinances, otherwise the fund shall belong to the city.

Certain light and power plants, exempt.

SECTION 4. Chapter 51 of the Wisconsin statutes of 1898, is hereby amended by adding after section 1222e of said chapter, a new section to be designated as section 1222e–l, which shall read as follows: Section 1222e–l. All electric light or power companies or corporations, not operated in connection with nor forming part of any street railway company or corporation, are exempt from the provisions of this chapter as to license fees, and are hereby declared to be subject to the general tax laws of this state.

SECTION 5. This act shall take effect and be in force, from and after its passage and publication.

Approved May 4, 1899.

No. 19, A.] [Published May 12, 1899.

CHAPTER 355.

Ch. 355
113 205 208
209

AN ACT for a tax on gifts, inheritances, bequests and legacies in certain cases.

Ch. 355
See 1901 c 245
§§ 9, 10

Ch. 355
See 1903 c 297

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

§1 C 355 '99
§1 C 245 '01

Tax imposed on personal property over $10,000.

SECTION 1. A tax shall be and is hereby imposed upon any transfer of any personal property, of the value of ten thousand dollars or over, or of any interest therein, or income therefrom, in trust or otherwise, to any persons or corporations, except any corporation, organized for any religious, charitable or educational purpose, which uses the property so transferred to it solely

C 355 '99
See
§9, 10, C 245 '01

Ch. 355, § 1
1901, c 245

for the purposes of its organization, in the following cases.

1. When the transfer is by will or by the intestate laws of this state from any person dying possessed of the property while a resident of the state. While resident of state.

2. When the transfer is by will or intestate law, of property within the state, and the decedent was a non-resident of the state at the time of his death. Property within state.

3. When the transfer is of property made by a resident, or by a non-resident when such non-resident's property is within this state, by bargain, sale or gift made in contemplation of the death of the vendor or donor, or intended to take effect, in possession or enjoyment at or after such death. Non resident's property within state.

4. Such tax shall be imposed when any such beneficiary entitled, in possession or expectancy, to any personal property or the income thereof by any such transfer, whether made before or after the passage of this act. Transfer before or after passage of act.

5. The tax so imposed shall be at the rate of five per centum upon the clear market value of such property, except as otherwise prescribed in the next section. Rate of tax.

SECTION 2. When the property, or any beneficial interest therein, passes by any such transfer to or for the use of any father, mother, husband, wife, child, brother, sister, wife or widow of a son or the husband of a daughter, or any child or children adopted as such in conformity with the laws of this state, of the decedent, grantor, donor or vendor or to any person to whom any such decedent, grantor, donor or vendor, for not less than ten years prior to such transfer, stood in the mutually acknowledged relation of a parent, or to any lineal descendent of such decedent, grantor, donor or vendor, born in lawful wedlock, such transfer of property shall not be taxable under this act, unless it is of the value of ten thousand dollars or more, in which case it shall be taxable under this act at the rate of one per centum upon the clear market value of such property. When property is to be taxed at one per cent.

§2 C 355 '99
§2 C 245 '01

Ch. 355, § 2
1901 c 245 § 2

Tax to be a lien on property.

SECTION 3. Every such tax shall be and remain, a lien upon the property transferred until paid and the person to whom the property is so transferred and the administrators, executors and trustees of every estate so transferred, shall be personally liable for such tax until its payment. The tax shall be paid to the treasurer of the county in which the county court is situated having jurisdiction as herein provided; and said treasurer shall give, and every executor, administrator or trustee shall take duplicate receipts from him of such payment, one of which he shall immediately send to the secretary of state, whose duty it shall be to charge the treasurer so receiving the tax with the amount thereof, and to seal said receipt with the seal of his office, and countersign the same and return it to the executor, administrator or trustee, whereupon it shall be a proper voucher in the settlement of his accounts; but no executor, administrator or trustee shall be entitled to a final accounting of an estate, in settlement of which a tax is due under the provisions of this act, unless he shall produce a receipt so sealed and countersigned by the secretary of state, or a copy thereof certified by him, or unless a bond shall have been filed, as prescribed by section 7 of this act. All taxes imposed by this act shall be due and payable at the time of the transfer, except as hereinafter provided. Taxes upon the transfer of any estate, property or interest therein, limited, conditioned, dependent or determinable upon the happening of any contingency or future event, by reason of which the fair market value thereof cannot be ascertained at the time of the transfer, as herein provided, shall accrue and become due and payable when the beneficiary shall come into actual possession or enjoyment thereof.

Where paid.

When due.

§4 C 355 '99
§3 C 245 '01
Ch. 355, § 4
1901 c 245 § 3

Discount, rate of interest on deferred payments.

SECTION 4. If such tax is paid within six months from the accruing thereof, a discount of five per centum shall be allowed and deducted therefrom. If such tax is not paid within eighteen months from the accruing thereof interest shall be charged and collected thereon at the rate

of ten per centum per annum from the time the tax accrued; unless by reason of claims made upon the estate, necessary litigation or other unavoidable cause of delay, such tax shall not be determined and paid as herein provided, in which case interest at the rate of six per centum per annum shall be charged upon such tax from the accrual thereof until the cause of such delay is removed, after which ten per centum shall be charged. In all cases when a bond shall be given under the provisions of section 7 of this act, interest shall be charged at the rate of six per centum from the accrual of the tax, until the date of payment thereof.

Powers of executors, etc.

§5 C 355 '99
§4 C 245 '01

Ch. 355, § 5
1901 c 245 § 4

SECTION 5. Every executor, administrator or trustee shall have full power to sell so much of the property of the deceased as will enable him to pay such tax in the same manner as he might be entitled by law to do for the payment of the debts of the testator for intestate. Any such administrator, executor or trustee having in charge or in trust, any legacy or property for distribution subject to such tax shall deduct the tax therefrom; and within thirty days therefrom shall pay over the same to the county treasurer, as herein provided. If such legacy or property be not in money, he shall collect the tax thereon upon the appraised value thereof, from the person entitled thereto. He shall not deliver or be compelled to deliver, any specific legacy or property subject to tax under this act, to any person until he shall have collected the tax thereon. If any such legacy shall be charged upon or payable out of real property, the heir or devisee shall deduct such tax therefrom and pay it to the administrator, executor or trustee, and the tax shall remain a lien or charge on such real property until paid, and the payment thereof shall be enforced by the executor, administrator or trustee in the same manner that payment of the legacy might be enforced, or by the district attorney, under section fourteen of this act. If any such legacy shall be given in money to any such person for a limited period, the administrator, executor or trustee shall retain

When legacy is not in money.

the tax upon the whole amount, but if it be not in money he shall make application to the court having jurisdiction of an accounting by him to make an apportionment if the case require it, of the sum to be paid into his hands by such legatees, and for such further order relative thereto as the case may require.

§6 C355 '99
§5 C 245 '01
Ch. 355, § 6
1901 c 245 § 5

When debts are proved against estates.

SECTION 6. If any debt shall be proved against the estate of the deceased after the payment of any legacy, or distributive share thereof, for which any such tax has been deducted, or upon which it has been paid by the person entitled to such legacy or distributive share, and such person or persons are required to refund the amount of such debts or any part thereof, an equitable proportion of the tax shall be repaid to him by the executor, administrator or trustee, if the tax has not been paid to the county treasurer, or repaid by such treasurer or state treasurer, if such tax has been paid to him. When any amount of said tax shall have been paid erroneously into the state treasury, it shall be lawful for the secretary of state, upon satisfactory proofs presented to him of the facts, to require the amount of such erroneous or illegal payment to be refunded to the executor, administrator, trustee, person or persons, who have paid any such tax in error from the treasury; or the said secretary of state may order, direct and allow the treasurer of any county to refund the amount of any illegal or erroneous payment of such tax out of the funds in his hands or custody to the credit of such taxes, and credit him so with the same in his quarterly account rendered to the secretary of state under this act. Provided, however, that all applications for such refunding of erroneous taxes shall be made within one year from the payment thereof.

When secretary of state may refund tax.

Bond for payment of legacies not in possession.

SECTION 7. Any beneficiary of any property chargeable with a tax under this act, and any executors, administrators and trustees thereof, may elect, within eighteen months from the date of the transfer thereof as herein provided, not to pay such tax until the person or persons beneficially interested therein shall come into the actual pos-

session or enjoyment thereof. The person or persons so electing shall give a bond for the state in a penalty of three times the amount of any such tax, with such sureties as the county court of the proper county may approve, conditioned for the payment of such tax and interest thereon, at such time or period as the person or persons beneficially interested therein may come into the actual possession or enjoyment of such property, which bond shall be filed in the county court. Such bond must be executed and filed and a full return of such property upon oath made to the county court within one year from the date of such transfer thereof as herein provided, and such bond must be renewed every five years.

Bequests to executors on services.

SECTION 8. If a testator bequeathes property to one or more executors or trustees in lieu of their commissions or allowances, or makes them his legatees to an amount exceeding the commissions or allowances prescribed by law for an executor or trustee, the excess in value of the property so bequeathed, above the amount of commissions or allowances prescribed by law in similar cases, shall be taxable by this act.

Transfer of stock by foreign executor.

SECTION 9. If a foreign executor, administrator or trustee shall assign or transfer any stock or obligations in this state standing in the name of a decedent or in trust for a decedent, liable to any such tax, the tax shall be paid to the treasurer of the proper county, on the transfer thereof. No safe deposit company, bank or other institution, person or persons holding securities or assets of a decedent, shall deliver or transfer the same to the executors, administrators or legal representatives of said decedent, unless notice of the time and place of such intended transfer be served upon the county treasurer at least five days prior to the said transfer. And it shall be lawful for the county treasurer personally or by representative, to examine said securities or assets at the time of such delivery or transfer. Failure to serve such notice or to allow such examination shall render such safe deposit company, trust company, bank or other institution,

person or persons liable to the payment of the tax due upon said securities or assets in pursuance of the provisions of this act.

Jurisdiction of county court.

SECTION 10. The county court of every county of the state having jurisdiction to grant letters testamentary or of administration upon the estate of a decedent whose property is chargeable with any tax under this act, or to appoint a trustee of such estate or any part thereof, or to give ancillary letters thereon, shall have jurisdiction to hear and determine all questions arising under the provisions of this act, and to do any act in relation thereto authorized by law to be done by a county court in other matters or proceedings coming within his jurisdiction; and if two or more county courts shall be entitled to exercise any such jurisdiction, the county court first acquiring jurisdiction hereunder, shall retain the same to the exclusion of every other county court.

Petition for ancillary letters.

Every petition for ancillary letters testamentary or ancillary letters of administration made in pursuance of the laws governing probate practice of this state, shall set forth the name of the county treasurer as a person to be cited as therein prescribed, and a true and correct statement of all the decedent's property in this state, and the value thereof; and upon presentation thereof the county court shall issue a citation directed to such county treasurer; and upon the return of the citation, the county court shall determine the amount of the tax which may be or become due under the provisions of this act, and his decree awarding the letters may contain any provisions for the payment of such tax or the giving of security therefor which might be made by such county court if the county treasurer were a creditor of deceased.

§11 C 355 '99
§6 C 245 '01
Ch. 355, § 11
1901 c 245 § 6

County court may appoint appraiser.

SECTION 11. The county court, upon the application of any interested party, including the secretary of state, county treasurer, or upon his own motion, shall as often as and whenever occasion may require, appoint a competent person as appraiser, to fix the fair market value, at the time of the transfer thereof of property of persons

whose estates shall be subject to the payment of any tax imposed by this act. If the property, upon the transfer of which a tax is imposed, shall be in the state or an income or interest for a term of years or for life, or determinable upon any future or contingent estate, or shall be a remainder reversion or other expectancy, the entire property or funds by which said estate, income or interest is supported, or of which it is a part, shall be appraised immediately after such transfer, or as soon thereafter as may be practicable, at the fair and clear market value thereof at that time; provided, however, that when such estate, income or interest shall be of such a nature that its fair and clear market value cannot be ascertained at such time, it shall be appraised in like manner at the time when such value first became ascertainable; provided further, there shall be deducted from such valuation an amount equal to the fair valuation of all personal property over and above ten thousand dollars upon which the testator, intestate, grantor, vendor, bargainor or donor has paid the previous year a personal property tax.

Duty and powers of appraiser.

SECTION 12. Every such appraiser shall forthwith give notice by mail to all persons known to have a claim or interest in the property to be appraised, including the county treasurer, and to such persons as the county court may by order direct, of the time and place when he will appraise such property. He shall, at such time and place, appraise the same at its fair market value, as herein prescribed, and for that purpose the said appraiser is authorized to issue subpoenas and to compel the attendance of witnesses before him and to take the evidence of such witnesses under oath concerning such property and the value thereof; and he shall make report thereof and of such value in writing, to the said county court, together with the depositions of the witnesses examined, and such other facts in relation thereto and to the said matter as the said county court may order or require. Every appraiser shall be paid on the certificate of the county court at the rate of three dollars per day for every day actu-

ally and necessarily employed in such appraisal, and his actual and necessary traveling expenses and the fees paid such witnesses, which fees shall be the same as those now paid to witnesses subpoenaed to attend in courts of record, by the county treasurer out of any funds he may have in his hands on account of any tax imposed under the provisions of this act.

§13 C 355 '99
§7 C 245 '01
Ch. 355, § 13
1901 c 245 § 7

Report of appraiser.

SECTION 13. The report of the appraiser shall be made in duplicate, one of which duplicates shall be filed in the county court, and the other in the office of the secretary of state. From such report and other proof relating to any such estate before the county court, the county court shall forthwith, as of course determine the cash value of all estates and the amount of tax to which the same are liable; or the county court may so determine the cash value of all such estates and the amount of tax to which the same are liable, without appointing an appraiser. The commissioner of insurance shall, on the application of any county court determine the value of any such future or contingent estate, income or interest therein, limited, contingent, dependent, or determinable upon the life or lives of persons in being upon the facts contained in any such appraiser's report, and certify the same to the county court, and his certificate shall be presumptive evidence that the method of computation adopted therein is correct. The secretary of state, or any person dissatisfied with the appraisement or assessment and determination of such tax, may appeal therefrom to the county court, within sixty days from the fixing, assessing and determination of such tax by the county court as herein provided, upon filing in the county court a written notice of appeal which shall state the grounds upon which the appeal is taken. The county court shall immediately give notice, upon the determination by him as to the value of any estate which is taxable under this act, and of the tax to which it is liable, to all parties known to be interested therein, including the secretary of state. Within two years after the entry of an order or decree of a county

Insurance commissioner to value future estates, etc.

Appeal from tax of county court.

court determining the value of an estate and assessing the tax thereon, the secretary of state may, if he believes that such appraisal, assessment or determination has been fraudulently, collusively, or erroneously made, make application to the circuit judge of the circuit in which the former owner of such estate resided, for a reappraisal thereof. The judge of the circuit court to whom such application is made, may thereupon appoint a competent person to reappraise such estate. Such appraiser shall possess the powers, be subject to the duties, and receive the compensation provided by sections 11 and 12 of this act. Such compensation shall be payable by the county treasurer, out of any funds he may have on account of any tax imposed under the provisions of this act, upon the certificate of the circuit judge appointing him. The report of such appraiser shall be filed in the circuit court by which he was appointed, and thereafter the same proceedings shall be taken and had by and before such circuit court as herein provided to be taken and had by and before the county court. The determination and assessment of such circuit court shall supersede the determination and assessment of the county court, and shall be filed by such circuit court in the office of the secretary of state, and a certified copy thereof transmitted to the county court of the proper county.

Re-appraisement of estate.

SECTION 14. If the treasurer of any county shall have reason to believe that any tax is due and unpaid under this act, after the refusal or neglect of the persons liable therefor to pay the same, he shall notify the district attorney of the county, in writing, of such failure or neglect, and such district attorney, if he have probable cause to believe that such tax is due and unpaid, shall apply to the county court for a citation, citing the persons liable to pay such tax to appear before the court on the day specified, not more than three months from the date of such citation, and show cause why the tax should not be paid. The judge of the county court,

Duty of county treasurer, when tax is unpaid.

Duty of county judge, when tax is unpaid.

upon such application, and whenever it shall appear to him that any such tax accruing under this act has not been paid, as required by law, shall issue such citation and the service of such citation and the time, manner and proof thereof, and the hearing and determination thereof, shall conform as near as may be to the provisions of the laws governing probate practice of this state, and whenever it shall appear that any such tax is due and payable, and the payment thereof cannot be enforced under the provisions of this act in said county court, the person or corporation from whom the same is due, is hereby made liable to the county of the county court having jurisdiction over such estate or property for the amount of such tax, and it shall be the duty of the district attorney of said county to sue for and enforce the collection of such tax, and it is made the duty of said district attorney to appear for and act on behalf of any county treasurer, who shall be cited to appear before any county court under the provisions of this act.

District attorney to enforce collection.

Secretary of state to furnish books and blanks.

SECTION 15. The secretary of state shall furnish to each county court a book which shall be a public record, and in which he shall enter the name of every decedent whose estate is or may become liable for such tax, and upon whose estate an application to him has been made for the issue of letters of administration, or letters testamentary, or ancillary letters the date and place of death of such decedent, the estimated value of the property of such decedent, the names, places, residence and relationship to him of his heirs at law, the names and places of residence of the legatees and devisees in any will of any such decedent, the amount of each legacy and the estimated value of any property devised therein; and to whom devised. These entries shall be made from the data contained in the papers filed on any such application, or in any proceeding relating to the estate of the decedent. The county court shall also enter in such book, the amount of the personal property

Entries on books by court.

of any such decedent, as shown by the inventory thereof, when made and filed in his office, and the returns made by any appraiser appointed by him under this act, and the value of annuities, life estates, terms of years, and other property of any such decedent or given by him in his will or otherwise, as fixed by the county court, and the tax assessed thereon, and the amounts of any receipts for payment of any tax on the estate of such decedent, under this act filed with him. The secretary of state shall also furnish to each county, forms for the reports to be made by such county court, which shall correspond with the entries to be made in such books.

Report of county judges.

SECTION 16. Each judge of county court shall on January, April, July and October 1st, of each year, make a report in duplicate, upon the forms furnished by the secretary of state, containing all the data and matters required to be entered in such books, one of which shall be immediately delivered to the county treasurer and the other transmitted to the secretary of state.

Report of county treasurers.

SECTION 17. Each county treasurer shall make a report, under oath, to the secretary of state on January, April, July and October 1st, of each year, of all taxes received by him under this act, stating for what estate and by whom and when paid. The form of such report may be prescribed by the secretary of state. He shall at the same time pay the state treasurer all the taxes received by him under this act and not previously paid into the state treasury, and for all such taxes collected by him and not paid into the state treasury within thirty days from the times herein required, he shall pay interest at the rate of ten percentum per annum.

Tax to be paid to state.

SECTION 18. All taxes levied and collected under this act less any expenses of collection, shall be paid into the treasury of the state for the use of the state, and shall be applicable to the expenses of the state government, and to such other purposes as the legislature may by law direct. The county treasurer may retain for the use of

his county fifteen per cent. of any such tax so collected in his county.

§19 C 355 '99
§8 C 245 '01
Ch. 355, § 19
1901 c 245 § 8
Ch. 355, § 19
113 205 210
211 213
221

"Estate" and "property" defined.

SECTION 19. The words "estate" and "property," as used in this act, shall be taken to mean the personal property or interest therein of the testator, intestate, grantor, bargainor or vendor, passing or transferred to those not herein especially exempted from the provisions of this act, and not as the property or interest therein passing or transferred to individual legatees, devisees, heirs, next of kin, grantees, donees or vendees, and shall include all personal property or interest therein, whether situated within or without this state, over which this state has any jurisdiction for the purpose of taxation. The word "transfer," as used in this act, shall be taken to include the passing of property or any interest therein in possession or enjoyment, present or future, by inheritance, descent, bequest, grant, deed, bargain, sale or gift, in the manner herein prescribed. The words "county treasurer" and "district attorney" as used in this act, shall be taken to mean the treasurer and district attorney of the county of the county court having jurisdiction, as provided in section 10 of this act. Provided, that no language in this act shall be construed as imposing any tax upon the transfer of real property. In case of any transfer of any shares of the capital stock of any corporation which owns real estate, the proportionate market value of its real estate, taxed as such, shall be deducted from the appraised value of any such shares so transferred and taxed as herein provided.

"Transfers" defined.

Real property not taxed.

SECTION 20. The provisions contained in this act shall not apply to the estate of any person who shall have died prior to the time this act shall take effect.

SECTION 21. This act shall take effect and be in force, from and after July 1st, 1899.

Approved May 4, 1899.

o. 153, A.] [Published May 15, 1899.

CHAPTER 356.

Ch. 356
115 292

Ch. 356
112 591

Ch. 356
See 1901 c 268

N ACT relating to negotiable instruments and to establish a law uniform with such other states as have adopted or shall adopt like provisions, and amendatory of chapter 78 of the Wisconsin statutes of 1898.

C 356 '99
See
C 268 '01

he people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Ch. 356, § 2
1901, c 361

SECTION 1. Chapter seventy-eight of the isconsin statutes of 1898 is hereby amended as to read as follows:

Ch. 356
Sec. 1675—50
113 590 593

Ch. 356
117 589 595

GENERAL PROVISIONS.

Terms defined.

Section 1675. In this chapter unless the con- xt otherwise requires,—

"Acceptance" means an acceptance completed delivery or notification.

"Action" includes counter-claim and set-off.

"Bank" includes any person or association of rsons carrying on the business of banking, ether incorporated or not.

"Bearer" means the person in possession of a l or note which is payable to bearer.

"Bill" means bill of exchange, and "note" ans negotiable promissory note.

"Delivery" means transfer of possession, act- l or constructive from one person to another.

"Holder" means the payee or indorsee of a bill note, who is in possession of it, or the bearer reof.

"Indorsement" means an indorsement com- ted by delivery.

"Instrument" means negotiable instrument.

"Issue" means the first delivery of the instrument, complete in form, to a person who takes it as a holder.

"Person" includes a body of persons, whether incorporated or not.

"Value" means valuable consideration.

"Written" includes printed, and "writing" includes print.

The person "primarily" liable on an instrument is the person who by the terms of the instrument is absolutely required to pay same. All other parties are "secondarily" liable.

"Reasonable" or "unreasonable times."

In determining what is a "reasonable time" or an "unreasonable time," regard is to be had to the nature of the instrument, the usage of trade or business (if any) with respect to such instruments, and the facts of the particular case. Where the day, or the last day, for doing any act herein required or permitted to be done falls on Sunday or on a holiday, the act may be done on the next succeeding secular or business day. The provisions of this chapter do not apply to negotiable instruments made and delivered prior to the passage hereof.

In any case not provided for in this chapter the rules of the law merchant shall govern.

NEGOTIABLE INSTRUMENTS IN GENERAL.

FORM AND INTERPRETATION.

When instrument is negotiable.

SECTION 1675-1. An instrument to be negotiable must conform to the following requirements:

1. It must be in writing and signed by the maker or drawer.

2. Must contain an unconditional promise or order to pay a sum certain in money.

3. Must be payable on demand or at a fixed or determinable future time.

4. Must be payable to order or to bearer.

5. Where the instrument is addressed to a drawee, he must be named or otherwise indicated therein with reasonable certainty. But no order drawn upon or accepted by the treasurer of any county, town, city, village or school district, whether drawn by any officer thereof or any other person, and no obligation nor instrument made by any such corporation or any officer thereof, unless expressly authorized by law to be made negotiable, shall be, or shall be deemed to be, negotiable according to the custom of merchants, in whatever form they may be drawn or made.

Orders of municipalities.

Warehouse receipts, bills of lading and railroad receipts upon the face of which the words "not negotiable" shall not be plainly written, printed or stamped, shall be negotiable as provided in section 1676 of the Wisconsin statutes of 1878, and in section 4194 and 4425 of these statutes, as the same have been construed by the supreme court.

Warehouse receipts.

NOTE—The indorsement of an instrument not negotiable for lack of the word order or bearer, supplying such word, makes it negotiable from that time. Carruth v. Walker, 8 Wis. 103.

ORDER OR BEARER.—No change from the Wisconsin rule as to notes. Carruth v. Walker, 8 Wis. 103. But a bill of exchange need not be so expressed. Mehlberg v. Fisher, 24 Wis. 607. Equivalent words may be used, as, holder, assigns, or "this note shall be negotiable." 4 Am. & Eng. Ency. 134.

OR AT A FIXED OR DETERMINABLE TIME.—A bill of exchange need not be made payable on a day certain. Mehlberg v. Fisher, 24 Wis. 607. Nor a note. Sec. 8. Stamp. A draft, note or other instrument required by the act of Congress to be stamped, is not void for want of a stamp, but is valid, unless the omission is shown to be fraudulent. Rheinstrom v. Cone, 26 Wis. 163; Grant v. Conn. Mut. Life Ins. Co., 29 Wis. 125 and Timp v. Dockham, 29 Wis., 440, followed. State v. Hill, 30 Wis. 416. This is in accordance with the great weight of authority. 4 Am. & Eng. Ency. 160. The burden is upon the party impeaching the instrument to show the fraudulent intent. Ibid.

IN MONEY.—The word "currency" in a certificate of deposit means money, including bank notes which, though not an absolute legal tender, are issued for circulation by authority of law, and are in actual and general circulation (at the *locus in quo*) at par with coin. Klauber et al. v. Biggerstaff, 47 Wis. 551.

A certificate of deposit promising payment to order of a certain number of dollars "in currency" is negotiable. (Ford v. Mitchell, 15 Wis. 305; Platt v. Bank, 17 Wis. 223; and Lindsey v. McClelland, 18 Wis. 481, explained and criticised.) Ibid.

INDICATED WITH REASONABLE CERTAINTY.—A bill payable at a particular house is meant to be addressed to the person there residing. Peto v. Reynolds, 9 Exch. 410.

Sum payable, defined.

SECTION 1675-2. The sum payable is a sum certain within the meaning of this chapter, although it is to be paid:—

1. With interest; or

2. By stated instalments; or

3. By stated instalments, with a provision that upon default in payment of any instalment or of interest, the whole shall become due; or

4. With exchange, whether at a fixed rate or at the current rate; or

5. With costs of collection or an attorney's fee, in case payment shall not be made at maturity.

NOTE—The provisions of sections 4 and 5 change the Wisconsin rule. Morgan v. Edwards, 53 Wis. 599. First Nat. Bk. v. Larson, 60 Wis. 206. Peterson v. Bank, 78 Wis. 113. Leggett v. Jones, 10 Wis. 30. Such fees may be recovered in an action on the note. Vipond v. Townsend, 88 Wis. 285.

BY STATED INSTALMENTS.—See note to next section.

THE WHOLE SHALL BE DUE.—This does not change the Wisconsin rule; but other conditions, allowing the payee to sell the chattel for the price of which the note was given, and collect the amount due, with ten per cent. for collection expenses, renders both the sum and time of payment uncertain. Kimball Co. v. Mellon, 80 Wis. 133.

Unqualified order or promise.

SECTION 1675-3. An unqualified order or promise to pay is unconditional within the meaning of this chapter, though coupled with:—

1. An indication of a particular fund out of which reimbursement is to be made, or a particular account to be debited with the amount; or

2. A statement of the transaction which gives rise to the instrument.

But an order or promise to pay out of a particular fund is not unconditional.

NOTE—PARTICULAR FUND.—A. and B. cultivating on shares the farm of M. and N., partners, gave X, (to whom A. and B. were indebted) an instrument in writing addressed to M. and N. requesting them to pay a certain sum of money to X., "and take the same out of our share of the grain" meaning the grain then harvested or growing on said farm; and M. and N. wrote the words "Order accepted" on the back of the instrument, with their firm name signed thereto. In an action by X. against M. and N.: Held.

(1) That the instrument, though without words of negotiability, is a valid bill of exchange.

(2) That the order and acceptance are absolute; the words above quoted from the order not limiting its payment to a par-

ticular fund, or making it conditional, but merely indicating the means by which the drawees might reimburse themselves.

(3) That the drawees cannot defend against the legal effect of the bill and acceptance, on the ground that, before such acceptance, they had already made advances to the drawers, solely on the faith of the share of grain belonging to the latter, more than sufficient to cover its full value, and that the facts were known to X. at the time of such acceptance. Corbett v. Clarke et al., 45 Wis. 403. An order by a debtor upon a third person to pay a certain sum to his creditor or order, out of a particular fund, when such fund shall be created (as by the future payment of a draft then in the hands of such third person), is not negotiable as a bill of exchange; and no inference can be drawn from the paper itself that it was taken in payment of the drawer's original debt to the payee or that the payee's right to recover such original debt was suspended until his credit on the instrument should expire. Brill v. Holle, 53 Wis. 537. A note payable "out of any property I may have" or "out of my separate property and estate" (in case of a married woman) is negotiable. 4 Am. & Eng. Ency. 88.

"The question in every case is, does the instrument carry the general personal credit of the drawer or maker, or only the credit of a particular fund." 4 Am. & Eng. Ency. 89.

ORDER OR PROMISE.—See cases in 4 Am. & Eng. Ency. of Law, 2d ed., pp. 81, 82.

ORDER OR PROMISE IN THE ALTERNATIVE, for the payment of money or the performance of another act, at the drawer's or maker's option, is not negotiable. 4 Am. & Eng. Ency. 84.

CONDITIONAL INSTRUMENTS.—A written instrument for the payment of a specified sum of money at a time specified, is rendered non-negotiable by an alternative contract therein that the payee may sell the collateral securities mentioned therein, and, if these decline in value, may sell them before the money for which the instrument was given would otherwise become due, in which case the proceeds of the sale, less the expenses thereof, shall be applied in payment or part payment of the debt, and if a deficiency remains the amount thereof shall become due forthwith. Continental Nat. Bk. v. McGeoch, 73 Wis. 332.

A note payable in instalments is rendered non-negotiable by a subjoined agreement that in case of default in any payment, or an attempt to dispose of or remove the chattel for the price of which the note is given, the holder may declare the whole amount due, and may collect the same with ten per cent. damages for expenses of collection, or may take possession of and sell the property to pay the unpaid balance, interest, damages and costs of sale, and that, if there is a deficiency on such sale, the signer will pay it on demand. Such agreement renders both the amount and time of payment uncertain. Kimball Co. v. Mellon, 80 Wis. 133.

A STATEMENT OF THE TRANSACTION.—An instrument in the form of a promissory note for the payment of "25.00 as per deed, 10 per cent. till paid", is a note for twenty-five dollars. State v. Schwartz, 64 Wis. 432. An agreement subjoined to a note, stating that it is given for a piano, the title to which is to remain in the payee until payment, does not render the note non-negotiable. Kimball Co. v. Mellon, 80 Wis. 133. A note promising to pay $40 for premium an insurance contract is negotiable. Kirk v. Insurance Co., 30 Wis. 138. A bill for $55, for work done on logs, accepted to pay when due, is negotiable. 44 Me. 496, approved in Corbett v. Clark, 45 Wis. 403.

An addition to a note of the words "For two mills, remit as soon as sold" does not render the time of payment uncertain. The note is negotiable. Ward v. Perrigo, 33 Wis. 143.

A MODE OF REIMBURSEMENT OR PAYMENT, as, a reference to "profits", or an expected salary, or to "take the same out of our share of the grain", does not affect the negotiability. Corbett v. Clark, supra. 4 Am. & Eng. Ency. 88.

Determinable future time.

SECTION 1675-4. An instrument is payable at a determinable future time, within the meaning of this chapter, which is expressed to be payable:—

1. At a fixed period after date or sight; or

2. On or before a fixed or determinable future time specified therein; or

3. On or at a fixed period after the occurrence of a specified event, which is certain to happen, though the time of happening be uncertain.

4. At a fixed period after date or sight, though payable before then on a contingency. An instrument payable upon a contingency is not negotiable, and the happening of the event does not cure the defect, except as herein provided.

NOTE—AT NO SPECIFIED TIME.—Such an instrument is payable at once. Husbrook v. Wilder, 1 Pin. 643.

UPON A CONTINGENCY.—An instrument sued upon as a promissory note, when produced in evidence, had endorsed thereon a condition that the payee or bearer was "not to expect payment" until certain property of the maker was "sold for a fair price." Held, that if so endorsed at the time of its delivery (which may be proved by parol), it was a mere conditional agreement. Blake v. Coleman, 22 Wis. 396. When a note is given to an insurance company for the premium upon a policy of insurance, its negotiable character is not affected by a further agreement therein, that if it shall not be paid at maturity, the whole amount of premium on such policy shall be considered as earned, and the policy shall be void while the note remains overdue and unpaid. Kirk v. Insurance Co., 39 Wis. 138. But see sections 1944, 1945, Wisconsin statutes of 1898. A note payable "when convenient" or "as soon as I can," or "when payor and payee mutually agree," is due on demand, and negotiable. 4 Am. & Eng. Ency. 92.

CONTRACT TO EXTEND TIME.—The words "this note to be extended if desired by makers," indorsed on a note, are too indefinite to have any legal significance. Krouskop v. Shontz, 51 Wis. 204.

A note containing a provision that it is to be renewed at maturity renders the time of payment uncertain. Citizen's Nat. Bk. v. Piollet, 126 Pa. St. 860.

SUBD. 4.—This subdivision is added to the act as originally proposed, in order to harmonize with subd. 2 of this section, and to remove the doubt whether a note payable, for example, "one year from date, or before, if realized from the sale of" a machine (64 Ind. 120) would be within subd. 2. See also Cisne v. Chidchester, 85 Ill. 523. Cota v. Buck, 7 Met. 588; Palmer v. Hummer, 10 Kas. 464; Stults v. Silva, 119 Mass. 137.

CERTAIN TO HAPPEN.—This is within the authorities. 4 Am. & Eng. Ency. 92, 93.

SECTION 1675-5. An instrument which con- ins an order or promise to do any act in addi- on to the payment of money is not negotiable. ut the negotiable character of an instrument therwise negotiable is not affected by a provi- on which:—

Negotiable character not affected.

1. Authorizes the sale of collateral securities case the instrument be not paid at maturity;

2. Authorizes a confession of judgment if the strument be not paid at maturity; or

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3. Waives the benefit of any law intended for e advantage or protection of the obligor; or

4. Gives the holder an election to require mething to be done in lieu of payment of oney. But nothing in this section shall vali- te any provision or stipulation otherwise ille- l or authorize the waiver of exemptions from ecution.

OTE—Where the interest on a note given to a railroad company, l secured by mortgage, was payable annually, and both principal l interest payable at Racine in this state, the note (which was able to bearer), and the mortgage were transferred with a bond the company attached, by which it was guaranteed to the der payment of the interest semi-annually at New York city, l the payment of the principal at the same place. The bond provided that the note and mortgage might be "transferred connection therewith, but not otherwise to any party or pur- ser whomsoever." Held, that this guaranty did not affect the otiable character of the note and mortgage. Andrews et al v. rt et al, 17 Wis. 306. The statement that the note is "secured mortgage" does not affect its negotiability. Kelly v. Whitney, Wis. 110.

IVES THE HOLDER AN ELECTION.—This follows the authorities. m. & Eng. Ency. 84.,

OTES FOR CHATTLES WHEN VENDOR RETAINS TITLE UNTIL NOTE D.—Such instruments are negotiable. Chi. R. Equip. Co. v. chant's Bk., 136 U. S. 268.

SECTION 1675-6. The validity and negotiable aracter of an instrument are not affected by fact that:—

Validity and negotiability not affected, when.

1. It is not dated; or

2. Does not specify the value given, or that value has been given therefor; or

3. Does not specify the place where it is awn or the place where it is payable; or

4. Bears a seal; or

5. Designates a particular kind of current money in which payment is to be made. But nothing in this section shall alter or repeal any statute requiring in certain cases the nature of the consideration to be stated in the instrument.

NOTE.—SEAL.—This changes the rule in this state. Parkinson v. McKirm, 1 Pin. 214.

CURRENT MONEY.—See note to Sec. 1675-1.

Payable on demand, when.

SECTION 1675-7. An instrument is payable on demand:—

1. Where it is expressed to be payable on demand, or at sight, or on presentation; or

2. In which no time for payment is expressed. Where an instrument is issued, accepted, or indorsed, when overdue, it is, as regards the person so issuing, accepting, or indorsing it, payable on demand.

NOTE—NO TIME FOR PAYMENT.—Such a note is payable at once. Husbrook v. Wilder, 1 Pin. 643.

ON DEMAND.—The instrument is due at once, and suit may be immediately brought without demand. 4 Am. & Eng. Ency. 343.

Payable to order, when.

SECTION 1675-8. The instrument is payable to order where it is drawn payable to the order of a specified person, or to him or his order. It may be drawn payable to the order of:—

1. A payee who is not maker, drawer, or drawee; or

2. The drawer or maker; or

3. The drawee; or

4. Two or more payees jointly; or

5. One or some of several payees; or

6. The holder of an office for the time being. Where the instrument is payable to order, the payee must be named or otherwise indicated therein with reasonable certainty.

NOTE—ONE OR SOME OF SEVERAL.—This agrees with the decisions. 4 Am. & Eng. Ency. 113. But a note payable to A or B is not negotiable, unless there is a community of interest in the payees. Ibid. A note by A to A and B, or a joint note by A and B is invalid. Ibid. 121. But a note by a partner to his firm, or vice versa, is valid after negotiation. Ibid.

THE DRAWEE OR MAKER.—A bill is valid, although drawer, drawee and payee are the same, and it may be put in circulation in the usual way. Wildes v. Savage, 1 Story 22. A bill drawn to the order of the drawer may be treated as a note. 4 Am. & Eng. Ency. 120.

SECTION 1675–9. The instrument is payable to bearer:— Payable to bearer, when.

1. When it is expressed to be so payable; or
2. When it is payable to a person named therein or bearer; or
3. When it is payable to the order of a fictitious or non-existing person, and such fact was known to the person making it so payable; or
4. When the name of the payee does not purport to be the name of any person; or
5. When the only or last indorsement is an indorsement in blank.

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NOTE—FICTITIOUS OR NON-EXISTING PERSON.—When the name is inserted by way of pretense merely, without any intention that the payment shall be made in conformity therewith, the payee is fictitious, whether the name be that of an existing or non-existing person, and the bill is payable to bearer. Vaglino v. Bank of England, 23 Q. B. Div. 243, and on appeal 153. The same rule applies to a person supposed to exist, but not actually a real person. Shipman v. State Bank, 126 N. Y. 318. If a bill is made payable to a real person it must be indorsed by him, even though he was not intended to have any interest in the paper, and the drawer knew that fact. 4 Am. & Eng. Ency. 117. The maker is estopped to plead ignorance of the fictitious character of the payee, as against a bona fide holder. Ibid.

SECTION 1675–10. The instrument need not follow the language of this chapter, but any terms are sufficient which clearly indicate an intention to conform to the requirements hereof. Memoranda upon the face or back of the instrument, whether signed or not, material to the contract, if made at the time of delivery, are part of the instrument, and parol evidence is admissable to show the circumstances under which they were made. Effect of memoranda on instrument.

NOTE—MEMORANDA.—There was indorsed upon a note a memorandum, unsigned, that the payee or bearer was not to expect payment until certain property was sold at a fair price. Held, that if so endorsed when delivered, of which parol evidence might be given, it was part of the note, and made it a mere conditional agreement. Blake v. Coleman, 22 Wis. 415. 4 Am. & Eng. Ency. 141. If intended merely for identification, or mere memoranda, or to correct mere mistakes, they are immaterial. Ibid, 142.

SECTION 1675–11. Where the instrument or an acceptance or any endorsement thereon is dated, such date is deemed prima facie to be the Date prima facie evidence.

true date of the making, drawing, acceptance, or indorsement as the case may be.

Ante or post dating.

SECTION 1675–12. The instrument is not invalid for the reason that it is ante-dated or post-dated, provided that this is not done for an illegal or fraudulent purpose. The person to whom an instrument so dated is delivered acquires the title thereto as of the date of delivery.

Undated instruments.

SECTION 1675–13. Where an instrument expressed to be payable at a fixed period after date is issued undated, or where the acceptance of an instrument payable at a fixed period after sight is undated, any holder may insert therein the true date of issue or acceptance, and the instrument shall be payable accordingly. The insertion of a wrong date does not avoid the instrument in the hands of a subsequent holder in due course; but as to him, the date so inserted is to be regarded as the true date.

Uncompleted instruments.

SECTION 1675–14. Where the instrument is wanting in any material particular, the person in possession thereof has a prima facie authority to complete it prior to negotiation by filling up the blanks therein. And a signature on a blank paper delivered by the person making the signature in order that the paper may be converted into a negotiable instrument operates as an authority to fill it up as such for any amount. In order, however, that any such instrument when complete may be enforced against any person who became a party thereto prior to completion, it must be filled up strictly in accordance with the authority given and within a reasonable time. But if any such instrument, after completion, is negotiated to a holder in due course, it is valid and effectual for all purposes in his hands, and he may enforce it as if it had been filled up strictly in accordance with the authority given and within a reasonable time.

NOTE—Where a note and mortgage, otherwise fully executed, but with a blank in each for the name of the payee and mortgagee, were delivered to an agent who was to procure (from whomsoever he could) a loan of money thereon, for the maker, this shows an intention that the agent should fill the blanks, and when so filled the instruments were valid without a new execution and delivery.

Van Etta v. Evenson, 28 Wis. 33. If a note signed in blank by one person as maker for the accommodation of another to whom it is delivered, is afterwards signed by a third person as joint maker, it will probably be void in the hands of one who takes with knowledge that at the time of executing it, the first signer expressly stipulated against such further signature. Snyder v. Van Doren, imp., 46 Wis. 602. But where the note, when signed by the first maker, contained, among other blanks, one for words making it a joint or several obligation, its delivery to the person for whose accommodation it was made, without any express stipulation against further signature, is held to have authorized such person to procure it to be signed by other parties as joint makers with the first. Ibid.

The dollar sign, or the word dollars, may be supplied. State v. Schwartz, 64 Wis. 432.

VALID AND EFFECTUAL.—This accords with the authorities. 4 Am. & Eng. Ency. 338. Johnston Harvester Co. v. McLean, 57 Wis. 258. Where a husband being entrusted with a note and mortgage with the description of the property left blank, filled up the mortgage, pursuant to the understanding with his wife, with a description of their homestead, the note and mortgage are valid in the hands of a holder in due course, although the husband procured the wife's signature upon the representation that other property only was to be put in. Nelson v. McDonald, 80 Wis. 605.

SECTION 1675–15. Where an incomplete instrument has not been delivered it will not, if completed and negotiated, without authority, be a valid contract in the hands of any holder, as against any person whose signature was placed thereon before negotiation. Incomplete instruments completed without authority.

NOTE—One who signs an instrument for the payment of money only, (whether negotiable or not), leaving the amount blank, and intrusts it to another with authority to fill the blank with an agreed sum, will, as to third persons having no knowledge of the limitations of such authority, be bound by the act of the person to whom the instrument was intrusted, although he fills the blank with a larger sum than that agreed. Johnston Harvester Co. v. McLean, 57 Wis. 258. So held, where A as accommodation maker with B, signed a note upon the upper left-hand corner of which were the figures $45, but the amount of which was left blank with the understanding that B should fill the blank so as to make it a note for forty-five dollars, and, before delivering the note to the payee and without the knowledge of the latter, B filled the blank with the words "four hundred and fifty dollars" and annexed a cipher to the figures $45. Ibid. The figures in the corner of the note were no part thereof, and an unauthorized change in them did not vitiate the note. Id.

SECTION 1675–16. Every contract on a negotiable instrument is incomplete and revocable until delivery of the instrument for the purpose of giving effect thereto. As between immediate parties, and as regards a remote party other than a holder in due course, the delivery, in or- Contracts on negotiable paper, when incomplete.

der to be effectual, must be made either by or under the authority of the party making, drawing, accepting or indorsing, as the case may be; and in such case the delivery may be shown to have been conditional, or for a special purpose only, and not for the purpose of transferring the property in the instrument. But where the instrument is in the hands of a holder in due course, a valid delivery thereof by all parties prior to him so as to make them liable to him is conclusively presumed. And where the instrument is no longer in the possession of a party whose signature appears thereon, a valid and intentional delivery by him is presumed until the contrary is proved.

NOTE—T and J, with others, were liable for the amount of a certain judgment, and W, who was not so liable, signed a note with them, and left it with T to be negotiated by him to raise money to pay it; but T paid the judgment with his own means, and did not attempt to negotiate the note. In an action by T against W to recover against him, a proportionate share of the note, on account of such payment, Held, that the note had not been delivered, and had no legal existence as such, and there could be no recovery. Thomas v. Watkins, 16 Wis. 571. Defendants made a note to C or bearer. The evidence tended to show its deposit by defendants with the supervisors of a town, to be by them delivered to C, on condition that by a certain day C should complete a road. C did not perform his contract; but, after the expiration of the time therefor, and after the note matured, the road was built by another person, and accepted by the supervisors, and the note delivered to him without the consent of defendants. The defendants were held not liable. McLean v. Nugent, 33 Wis. 353. Where a real estate agent took possession of a note which was to be delivered when certain land was sold, saying as he did so "I will take charge of this," and then sold the note to a bona fide purchaser, no sale being made, it was held that a verdict finding that there had been no delivery would be sustained, and that the maker was not guilty of such negligence in permitting the note to be taken as would render him liable to an innocent holder. Dodd v. Dunne, 71 Wis. 578. The rule of this case is changed by this act, Sec. 1676–28 post.

DELIVERY IN ESCROW. To constitute a good delivery of drafts in escrow the person making such delivery must part with the possession and divest himself of all power and dominion over them. Thus, if accepted drafts are delivered by the vendee of goods to a depositary who is to hold them until notified of the acceptance of the goods and directed by said vendee to turn the drafts over to the vendor, there is no escrow. Lehigh Co. v. W. Sup. Co., 91 Wis. 221.

Construction of ambiguities.

SECTION 1675–17. Where the language of the instrument is ambiguous, or there are omissions

therein, the following rules of construction apply:—

1. Where the sum payable is expressed in words and also in figures and there is a discrepancy between the two, the sum denoted by the words is the sum payable; but if the words are ambiguous or uncertain, references may be had to the figures to fix the amount;

2. Where the instrument provides for the payment of interest, without specifying the date from which interest is to run, the interest runs from the date of the instrument, and if the instrument is undated, from the issue thereof;

3. Where the instrument is not dated, it will be considered to be dated as of the time it was issued;

4. Where there is a conflict between the written and printed provisions of the instrument, the written provisions prevail.

5. Where the instrument is so ambiguous that there is doubt whether it is a bill or note, the holder may treat it as either at his election.

6. Where a signature is so placed upon the instrument that it is not clear in what capacity the person making the same intended to sign, he is to be deemed an indorser;

7. Where an instrument containing the words "I promise to pay" is signed by two or more persons, they are deemed to be jointly and severally liable thereon;

8. Where several writings are executed at or about the same time, as parts of the same transaction, intended to accomplish the same object, they may be construed as one and the same instrument as to all parties having notice thereof.

NOTE—A note drawn by filling out a printed blank provided for the payment of interest after maturity; also that the failure to pay interest as agreed should make the note wholly due and payable. The condition of the mortgage given to secure the note was the payment of the amount "with ten per cent. per annum annually" etc. Construing the instruments together in the light of the parol testimony, it is held that to effectuate the intention of the parties, the printed words "after maturity" should be erased from the note. Stanton v. Caffee, 58 Wis. 261.

SUBD. 7. So held in Wisconsin, Dill v. White, 52 Wis. 456. And

it makes no difference in the rule that one of the makers adds the word surety after his signature. Dart v. Sherwood, 7 Wis. 523.

SUBD 8. This accords with the authorities. 4 Am. & Eng. Ency. 144.

Trade or assumed names.

SECTION 1675–18. No person is liable on the instrument whose signature does not appear thereon, except as herein otherwise expressly provided. But one who signs in a trade or assumed name will be liable to the same extent as if he had signed his own name.

NOTE—SIGNATURE.—See Sec. 10. Matter written partly on the same line as the last word of a printed form and before the signature, and partly on a lower line, is part of the note. Kilkelly v. Martin, 525. Subscription is not necessary. 4 Am. & Eng. Ency. 109.

Signature by agent.

SECTION 1675–19. The signature of any party may be made by a duly authorized agent. No particular form of appointment is necessary for this purpose; and the authority of the agent may be established as in other cases of agency.

NOTE—Where, in an action against C upon a promissory note signed F. B. & Co., it appeared in evidence that F. B. & Co. were doing no business of their own, but were carrying on a manufacturing business as agents for C, who furnished the necessary money and held himself out as their principal and liable upon all notes given by them in the business, and had authorized them to sign notes therein either "F. B. & Co. Agents" or simply "F. B. & Co.", held, that the note in suit, though made to run for five years, with interest payable annually, was presumably the note of the defendant C, and he was liable thereon to the purchaser thereof, unless there was sufficient on its face to put such purchaser upon inquiry as to the agent's authority to give it in that form, and that question was one for the jury. Conroe v. Case, 74 Wis. 85.

Agent not liable.

SECTION 1675–20. Where the instrument contains or a person adds to his signature words indicating that he signs for or on behalf of a principal, or in a representative capacity, he is not liable on the instrument if he was duly authorized; but the mere addition of words describing him as an agent, or as filling a representative character, without disclosing his principal, does not exempt him from personal liability.

NOTE—A note sued on was as follows: "April 1st, 1858. One year after date, for value received, we, as trustees of the Summerfield M. E. Church, for and in behalf of the said church, promise to pay Diana Taylor the sum of fifteen hundred dollars, with interest, etc. Geo. F. Austin, Edward Emery, M. Steever, W. A

Chapman, R. P. Elmore, Trustees Summerfield M. E. Church." Held, that whatever might be the conclusion as to the personal liability of the trustees in case they had bound the church, if they did not bind the church they bound themselves. Dennison v. Austin et al., 15 Wis. 366. The evidence did not show any vote by the board of trustees, at an authorized meeting, to execute said note or to borrow the money for which it was given, but the negotiation appeared to have been continued principally by one of the trustees, and the loan effected without any such previous action, and two of the trustees signed the note, and the lender's agent then took it to the other trustees, and procured their signatures. Held, that the note was not binding upon the church. Ibid. A note reading "we promise to pay" etc., signed "San Pedro Mining and Milling Company, F. Kraus, President' is the note of the company alone; and parol evidence is not admissible to show that the president did not sign the name of the company, but signed his own name as a joint maker. Liebscher v. Kraus, 74 Wis. 387.

Signature by "procuration."

SECTION 1675-21. A signature by "procuration" operates as notice that the agent has but a limited authority to sign, and the principal is bound only in case the agent in so signing acted within the actual limits of his authority.

Indorsement by corporation or infant.

SECTION 1675-22. The indorsement or assignment of the instrument by a corporation or by an infant passes the property therein, notwithstanding that from want of capacity the corporation or infant may incur no liability thereon.

Forgery.

SECTION 1675-23. Where a signature is forged or made without the authority of the person whose signature it purports to be, it is wholly inoperative, and no right to retain the instrument, or to give a discharge therefor, or to enforce payment thereof against any party thereto, can be acquired through or under such signature, unless the party, against whom it is sought to enforce such right, is precluded from setting up the forgery or want of authority.

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CONSIDERATION.

Presumptions.

SECTION 1675-50. Every negotiable instrument is deemed prima facie to have been issued for a valuable consideration; and every person whose signature appears thereon to have become a party thereto for value.

Value, defined.

SECTION 1675-51. Value is any consideration sufficient to support a simple contract. An antecedent or pre-existing debt, discharged, extinguished or extended, constitutes value; and is deemed such whether the instrument is payable on demand or at a future time. But the indorsement or delivery of negotiable paper as collateral security for a pre-existing debt, without other consideration, and not in pursuance of an agreement at the time of delivery, by the maker, does not constitute value.

NOTE—ANTECEDENT DEBT.—Taking an indorsement in discharge of such a debt without notice of equities makes the indorsee a bona fide holder. Atchison v. Davidson, 2 Pin. 48. Stevens v. Campbell, 13 Wis. 419. Curtis v. Mohr, 18 Wis. 615. Kellogg v. Fancher, 23 Wis. 21. Knox v. Clifford, 38 Wis. 651. Heath v. Company, 39 Wis. 146. Where the payee indorses a note as collateral security for an antecedent debt which still remains unsatisfied, no new consideration intervening, the holder is not one in due course. Cook v. Helms, 5 Wis. 107, Jenkins v. Schaub, 14 Wis. 1. See note to Sec. 1675-53, and a full discussion of the subject in 4 Am. & Eng. Ency., 290-296.

ACCOMMODATION PAPER.—See Black v. Tarbell, 89 Wis. 390.

CONSIDERATION —Where an agent gives his note in discharge of or forbearance of his principals' debt, this is a consideration. Dolph v. Rice, 21 Wis. 597. A contract void by the statute of frauds is not a consideration. Hooker v. Knab, 26 Wis. 511. Where a note was given for an amount due the payee from the maker on a certain contract, this was a sufficient consideration, although the payee may have owed the maker at the time more than the face of the note, on other contracts. Knox v. Clifford, 38 Wis. 651. One who takes the note of his debtor for the amount of a debt then past due, especially if such note is signed or indorsed by a third person and payable at a future day, will be presumed to extend the time for the payment of the debt until the day fixed in the note; and such extension is a valuable consideration for the note and places the creditor in the position of an innocent holder thereof for value. Johnson Harvester Co. v. McLean, 57 Wis. 258.

Value presumed.

SECTION 1675-52. Where value has at any time been given for the instrument, the holder is deemed a holder for value in respect to all parties who became such prior to that time.

NOTE—VALUE.—The purchase of a $300 note of a person known by the indorsee to be in fair credit, for $5, is not a purchase for value. De Witt v. Perkins, 22 Wis. 451. Taking a note, bond and mortgage at 73 per cent. of their par value held a purchase bona fide. Bange v. Flint, 25 Wis. 544. See Griffiths v. Kellogg, 39 Wis. 290.

Where a claim to a future contingent interest in land was made in good faith, based upon the terms of a will, a release thereof was a sufficient consideration for a promissory note given therefor by one who, while denying such claim, chose to compromise it; and

in the absence of fraud or undue advantage it is immaterial whether such claim was in fact well founded or not. Brooks v. Wage, 85 Wis. 12.

When holder has lien.

SECTION 1675-53. Where the holder has a lien on the instrument, arising either from contract or by implication of law, he is deemed a holder for value to the extent of his lien.

NOTE—A holder as collateral for value is one in due course. Lyon v. Ewings, 17 Wis. 63. Bond v. Wiltse, 12 Wis. 611. Curtis v. Mohr, 18 Wis. 615. Bowman v. Van Kueren, 29 Wis. 209.

Where a debt is created without any stipulation for further security, and the debtor afterward, without any obligation to do so, voluntarily transfers a negotiable instrument to secure the pre-existing debt, and both parties are in *statu quo* in respect to such debt, no new consideration, stipulation for delay or credit being given, or right parted with by the creditor, he is not a holder of the collateral for value in the usual course of trade, so as to be protected against any equities existing against it at the time of the transfer. Bowman v. Van Kueren, 29 Wis. 209.

The mere transfer of such collateral to the creditor raises no presumption of a stipulation for further time on the pre-existing debt, which will operate to defeat the equities of the maker or indorser existing at the time of such transfer. Body v. Jewson, 33 Wis. 402.

Thus where a mortgagee, whose mortgages were past due, threatened to foreclose them, and the debtor transferred to him a negotiable note as further security, upon his general promise "to be more lenient" in respect to such mortgage debt, but without any agreement to forbear the enforcement thereof for any specified time. Held, that the equities of the maker were not cut off by such transfer. Ibid.

Where an accommodation indorser of a note indorses successive notes in renewal thereof, each as the previous note becomes due, his liability will be regarded as a continuous one without hiatus. Black v. Tarbell, 89 Wis. 390.

One to whom an accommodation note is transferred in good faith before due as collateral security against his pre-existing liability as indorser of another note, and who in consideration of such transfer definitely extends the duration of his liability by indorsing a renewal of such other note, is a bona fide holder of the accommodation note for value before due. Ibid.

Absence of consideration matter of defense.

SECTION 1675-54. Absence or failure of consideration is matter of defense as against any person not a holder in due course; and partial failure of consideration is a defense *pro tanto*, whether the failure is an ascertained and liquidated amount or otherwise.

Accommodation party defined.

SECTION 1675-55. An accomodation party is one who has signed the instrument as maker, drawer, acceptor, or indorser, without receiving value therefor, and for the purpose of lending his name to some other person. Such a person is

liable on the instrument to a holder for value, notwithstanding such holder at the time of taking the instrument knew him to be only an accommodation party.

NOTE—Defendant's accommodation note, payable in bank, was by the payee indorsed to his creditor as collateral security, and on presentment at maturity, was paid by the bank at the payee's request, without any notice to defendant. Held, that these facts show a payment of the note to the indorsee with moneys obtained from the bank by the payee, and that the latter alone (and not the defendant) is liable to the bank or its assignees. Cravath et al. Assignees v. Esterly, 26 Wis. 675.

H, as broker, negotiated a sale of G's land to L for $27,500. L having only $22,500 in cash to pay for the land, by mutual agreement between the three, G deeded the land to H and received $22,500 less H's commission on the sale, and also received H's note for $5,000, secured by H's mortgage of the land; and H conveyed the land to the party designated by L, subject to the payment of said $5,000 note and mortgage. All these writings were contemporaneous. Held, that construing all the instruments together, as a single transaction, H is absolutely liable to G on said note, and he cannot set up a contemporaneous oral agreement between himself and G, by which the latter was to collect the $5,000 by foreclosure of a mortgage, without holding H personally liable on the note. Gillman v. Henry, 53 Wis. 465.

One is to be regarded as an accommodation maker of a note only where he receives nothing for his signature, and the payee parts with nothing therefor; and the facts above state show that H was not such a maker.

Query whether the holder of accommodation paper must be one in due course. Black v. Tarbell, 89 Wis. 390. The general weight of authority is that he must be. I Am. & Eng. Ency. 364.

NEGOTIATION.

Instrument, when negotiated.

SECTION 1676. An instrument is negotiated when it is transferred from one person to another in such manner as to constitute the transferee the holder thereof. If payable to bearer, it is negotiated by delivery; if payable to order it is negotiated by the indorsement of the holder completed by delivery.

NOTE—DELIVERY. A valid delivery is absolutely necessary even against a holder otherwise in due course. See notes to Sec. 1676-28. But this is opposed to the weight of authority. See notes to same.

INDORSEMENT. A guaranty of payment is not an indorsement, and no demand or notice is necessary to charge the guarantor. Ten Eyck v. Brown, 3 Pin. 452. Query whether it is a good defense, by the indorser, that it was made on Sunday. Walsh v. Blatchley, 6 Wis. 413. Is presumed to have been made at or about the date of the note. Mason v. Noonan, 7 Wis. 510. When made by the payee and another, the presumption is that the payee indorsed first. Cady v. Shepard, 12 Wis. 713.

Evidence of an agreement that a note should not be negotiated is not admissible. Knox v. Clifford, 38 Wis. 651.

No consideration necessary other than that supporting the original paper. Frederick v. Winans, 51 Wis. 472.

SECTION 1676-1. The indorsement must be written on the instrument itself or upon a paper attached thereto. The signature of the indorser, without additional words, is a sufficient indorsement. Indorsement, what is.

NOTE—Where a promissory note and a mortgage securing its payment were executed to a railroad company, and it executed to C its negotiable bond for a sum equal to the note, attaching thereto the note and mortgage, and reciting in the bond that the company transferred the note and mortgage to C as security, and that both should be transferable in connection with the bond, and not otherwise: Held,

(1) That this was a sufficient indorsement within the law merchant to pass to C the legal title to the note.

(2) That C being a purchaser of value, took the note free from all equities or defenses existing against it in the hands of the railroad company, of which he had no actual notice. Crosby v. Roub, 16 Wis. 645.

The payee or owner of a promissory note may by the law merchant transfer the legal title thereto without assuming any liability on account thereof as indorser or guarantor, and when a note is transferred by a guaranty, whether the guaranty be good or not against the party making it, under the same statute of frauds, the legal title to the note passes. 16 Wis. 645, Ibid.

An indorsement or transfer of a promissory note may be on another paper attached to and made a part of the note, called an allonge; and it is not essential to a transfer of a note by this method that there should have been a physical impossibility of writing the indorsement or transfer on the note itself, but it may be on another paper attached to the note, whenever necessity or the convenience of the parties required it. Ibid. Crosby v. Roub, affirmed, Bange v. Flint, 25 Wis. 544. Murphy v. Dunning, 30 Wis. 206.

The signature may be either the name of the payee or any mark or designation which is used as a substitute for his name with the intention of being bound or of transferring the paper. 4 Am. & Eng. Ency. 260.

INDORSEMENT WITH GUARANTY.—This amounts to a special indorsement without the right to require presentment, notice or protest. The liability of indorser and guarantor is the same. This is called a facultative indorsement. 4 Am. & Eng. Ency. 277. A guaranty on the note or bill, or on a paper attached is, like an indorsement without recourse, a negotiation of the instrument; and this is so even though the guaranty is void under the statute of frauds. Crosby v. Roub, supra. A guaranty of a note by the owner, thus putting it in circulation, is not within the statute of frauds. Wyman v. Goodrich, 26 Wis. 21.

Guaranty by one not a party, is not negotiable, because it is not a contract that the guarantor will pay, but that the maker will, and if he does not, the guarantor will do so. Ten Eyck v. Brown, 3 Pin. 452.

In indorsement is entire.

SECTION 1676-2. The indorsement must be an indorsement of the entire instrument. An indorsement which purports to transfer to the indorsee a part only of the amount payable, or which purports to transfer the instrument to two or more indorsees severally, does not operate as a negotiation of the instrument. But where the instrument has been paid in part, it may be indorsed as to the residue.

NOTE—If notes when taken were voidable for the fraud of the maker, and the assignee in taking them relied upon the credit of the indorsement, that could not operate as a reservation of any legal interest in the assignor, and he could not lawfully do anything to impair their value in the hands of the assignee, as by electing to declare them void. Landauer v. Espenhain, 95 Wis. 169.

Special or blank indorsement.

SECTION 1676-3. An indorsement may be either special or in blank; and it may also be either restrictive or qualified, or conditional.

What special or blank indorsement.

SECTION 1676-4. A special indorsement specifies the person to whom, or to whose order, the instrument is to be payable; and the indorsement of such indorsee is necessary to the further negotiation of the instrument. An indorsement in blank specifies no indorsee, and an instrument so indorsed is payable to bearer, and may be negotiated by delivery.

NOTE—One who has indorsed a note in blank, without qualification expressed in the writing, cannot show by parol, as against the person to whom he delivered it, a contemporaneous agreement between them that he should not be liable as indorser, where no mistake or fraud in procuring the instrument is alleged. Charles v. Denis, 42 Wis. 56.

Though a special indorsement is made after an indorsement in blank, the instrument continues to be negotiable by delivery. 4 Am. & Eng. Ency. 251.

Conversion of blank into special indorsement.

SECTION 1676-5. The holder may convert a blank indorsement into a special indorsement by writing over the signature of the indorser in blank any contract consistent with the character of the indorsement.

NOTE—This applies to an indorsement in blank without recourse. Lyon v. Ewings, 17 Wis. 63.

He cannot so write a valid agreement to pay the note jointly with another. Catlin v. Jones, 1 Pin. 130. This may be done after the indorser's death. Cope v. Daniel, 9 Dana, 415.

SECTION 1676-6. An indorsement is restrictive which either: Restrictive indorsement.

1. Prohibits the further negotiation of the instrument; or

2. Constitutes the indorsee the agent of the indorser; or

3. Vests the title in the indorsee in trust for or to the use of some other person. But the mere absence of words implying power to negotiate does not make an indorsement restrictive.

SECTION 1676-7. A restrictive indorsement confers upon the indorsee the right:

1. To receive payment of the instrument;

2. To bring any action thereon that the indorser could bring;

3. To transfer his rights as such indorsee, where the form of the indorsement authorizes him to do so.

But all subsequent indorsees acquire only the title of the first indorsee under the restrictive indorsement.

SECTION 1676-8. A qualified indorsement constitutes the indorser a mere assignor of the title to the instrument. It may be made by adding to the indorser's signature the words "without recourse" or any words of similar import. Such an indorsement does not impair the negotiable character of the instrument. Qualified indorsement.

SECTION 1676-9. Where an indorsement is conditional, a party required to pay the instrument may disregard the condition, and make payment to the indorsee or his transferee, whether the condition has been fulfilled or not. But any person to whom an instrument so endorsed is negotiated, will hold the same, or the proceeds thereof, subject to the rights of the person indorsing conditionally. Conditional indorsement.

SECTION 1676-10. Where an instrument, payable to bearer, is endorsed specially, it may nevertheless be further negotiated by delivery; but the person indorsing specially is liable as indorser to only such holders as make title through his indorsement. Indorsements of instruments payable to bearer.

Instruments payable to two or more persons.

SECTION 1676–11. Where an instrument is payable to the order of two or more payees or joint indorsees who are not partners, all must indorse, unless the one indorsing has authority to indorse for the others.

NOTE—All the partners may indorse to one of them, so as to make him the holder. Merril v. Guthrie, 1 Pin. 435. Manegold v. Dulaw, 30 Wis. 541.

When drawn to fiscal officer.

SECTION 1676–12. Where an instrument is drawn or indorsed to a person as "cashier" or other fiscal officer of a bank or corporation, it is deemed prima facie to be payable to the bank or corporation of which he is such officer; and may be negotiated by either the indorsement of the bank or corporation, or the indorsement of the officer.

NOTE—An indorsement of a promissory note payable to a bank made by its president as follows: "Pay to the order of A. J. A.: Marine Bank, by J. S. H., Pres't," is binding on the bank. Aiken v. Marine Bank, 16 Wis. 713.

The words "A. B. Cas." indorsed upon a note, held sufficient in form to bind the bank of which A. B. was cashier. Houghton et al v. First Nat. Bk. of Elkhorn, 26 Wis. 663.

Such indorsement, although made upon a note not belonging to the bank, and merely for the accommodation of the payee or prior endorser, will bind the bank as against a purchaser in good faith for value, before maturity. Ibid.

Representations by a bank cashier need not be made at the counter or office of the bank in order to bind it. Ibid.

The fact that a note purporting to have been made in Michigan and endorsed by a bank in Elkhorn, in this state, was offered to the plaintiff at Milwaukee a day or two after its date, was not notice that it could not have passed through said bank in the regular course of business, so as to prevent plaintiffs from being innocent purchasers, especially when they enquired of the cashier before purchasing and were told that it was "all right." Ibid.

Misspelled names.

SECTION 1676–13. Where the name of a payee or indorsee is wrongly designated or misspelled, he may indorse the instrument as therein described, adding, if he thinks fit, his proper signature.

Negative personal liability.

SECTION 1676–14. Where any person is under obligation to indorse in a representative capacity, he may indorse in such terms as to negative personal liability.

Prima facie evidence of negotiation.

SECTION 1676–15. Except where an indorsement bears date after the maturity of the instru-

ment, every negotiation is deemed prima facie to have been effected before the instrument was overdue.

NOTE—Same in Wisconsin. 5 Wis. 107; 6 Wis. 109. Mason v. Noonan, 7 Wis. 510.

Presumption.

SECTION 1676-16. Except where the contrary appears every indorsement is presumed prima facie to have been made at the place where the instrument is dated.

Length of negotiability.

SECTION 1676-17. An instrument negotiable in its origin continues to be negotiable until it has been restrictively indorsed or discharged by payment or otherwise.

Erasing indorsements.

SECTION 1676-18. The holder may at any time strike out any indorsement which is not necessary to his title. The indorser whose indorsement is struck out, and all indorsers subsequent to him are thereby relieved from liability on the instrument.

Transfer without indorsement.

SECTION 1676-19. Where the holder of an instrument payable to his order transfers it for value without indorsing it, the transfer vests in the transferee such title as the transferer had therein, and the transferee acquires, in addition, the right to have the indorsement of the transferer. But for the purpose of determining whether the transferee is a holder in due course, the negotiation takes effect as of the time when the indorsement is actually made. When the endorsement was omitted by mistake, or there was an agreement to endorse made at the time of the transfer, the endorsement, when made, relates back to the time of transfer.

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Subsequent endorsement.

NOTE—ASSIGNMENT WITHOUT INDORSEMENT. Does not cut off equities. Terry v. Allis, 16 Wis. 504.

In case of a note payable to order, indorsement, as well as delivery before maturity, is necessary to cut off equities existing between the maker and payee before the delivery. Beard v. Dedolph et al. 29 Wis. 136.

But the bona fide holder of such note by delivery only is protected against everything subsequent to such delivery, especially if the note be afterward endorsed to him; such endorsment being held to relate back to the time of delivery, as to any equity outside of the note itself. Ibid.

On payment of money loaned to him by his wife, a husband delivered to her, without formal indorsement, immediately after it

was made, defendant's note, payable to his order. After its maturity the wife sold it to the plaintiff; and afterward, before suit, it was endorsed by both husband and wife. Held,

(1) That the wife was competent to take the legal title to the note from the husband.

(2) That it was valid in her hands, and in the hands of the plaintiff, against any offset arising out of indebtedness of the husband to the makers, contracted after the note was transferred to the wife. Ibid.

A debtor, who held notes of a third person payable to his order, delivered them to his creditor, who agreed that if, upon inquiry, he found the notes to be good he would apply the amount thereof on on the indetedness, but otherwise would return them. Afterwards, on demand of the debtor, the creditor refused to return the notes. Held, that such refusal was an exercise of the creditor's option to retain the notes, and vested the title in him, even though they had not been indorsed by the debtor. Esau v. Greene & Button, Co., 94 Wis. 8.

WARRANTY ON ASSIGNMENT. Upon the sale of a promissory note for its face value there is an implied warranty that it has not been paid. Daskam v. Ullman, 74 Wis. 474.

Re-issue by prior party.

SECTION 1676-20. Where an instrument is negotiated back to a prior party, such party may, subject to the provisions of this act, reissue and further negotiate the same. But he is not entitled to enforce payment thereof against any intervening party to whom he was personally liable.

RIGHTS OF THE HOLDER.

Holder may sue.

SECTION 1676-21. The holder of a negotiable instrument may sue thereon in his own name; and payment to him in due course discharges the instrument.

NOTE—MAY SUE. The holder of an instrument as collater. (pledgee) may sue and collect the whole debt, being liable only for a surplus over the claim. Hilton v. Waring, 7 Wis. 492, Curtis v. Mohr, 18 Wis. 615. Demand paper may be sued at once. 4 Am. & Eng. Ency. 343.

PAYMENT TO HIM. Where payments are made in good faith to the holder of a promissory note, payable to bearer, the maker's liability is discharged to the extent of such payments; and he cannot recover back the moneys so paid from the person to whom they were paid, on the ground that the latter was not the real owner of the note. Greve v. Schweitzer, 36 Wis. 554.

HOLDER The fact that securities were taken by one person in the name of another who had no interest in them, does not invalidate the securities or prevent the person beneficially interested from enforcing payment of them by action. Lane v. Duchac, 7 Wis. 646.

HOLDER'S RIGHTS The agent of a company dealing in pianos sold in instrument under a written contract by which the title of

to remain in himself until payment of the price. This contract, which was not negotiable, he assigned to his principal, the owner of the piano. He also took from the purchaser negotiable notes containing the same condition as to the title of the piano, and these he transferred to one who knew nothing of his having taken the contract also. Held, that the bona fide holder of the notes was entitled to enforce their payment out of the piano, in preference to the piano company, the assignee of the non-negotiable contract. W. W. Kimball Co. v. Mellon, 80 Wis. 133.

Holder in due course.

SECTION 1676-22. A holder in due course is a holder who has taken the instrument under the following conditions:

1. That it is complete and regular upon its face;

2. That he became the holder of it before it was overdue, and without notice that it had been previously dishonored, if such was the fact;

3. That he took it in good faith and for value.

4. That at the time it was negotiated to him he had no notice of any infirmity in the instrument or defect in the title of the person negotiating it.

5. That he took it in the usual course of business.

NOTE—PARTNERS. Individual partners, indorsees of the firm, who are payees, cannot be holders in due course as to any equities or infirmities of which the firm had notice. Mannay v. Glendinning 15 Wis. 55. Notice to one is notice to all. Hubbard v. Galusha, 23 Wis. 398.

One who takes in payment of the individual note of A for his private debt, notes of third parties running to A, but which are in fact the property of a co-partnership of which A is a member, is protected as a bona fide holder for value, if he was ignorant of the existence of such co-partnership. Kellogg v. Fancher, 23 Wis. 21.

BEFORE OVERDUE. Where an indorsee takes several notes, secured by one mortgage, some due and others not, he is a holder in due course as to such as are not due, but not as to those overdue. Ross v. Hewitt, 15 Wis. 285. No change: Gregory v. Hart, 7 Wis. 532. Dunbar v. Harnesberger, 12 Wis. 373; Knott v. Tidyman, 86 Wis. 164.

HOLDER AS COLLATERAL. Is a holder in due course. Lyon v. Ewing, 17 Wis. 63. One who received the notes of a third person, a part of which are past due, as collateral security for a pre-existing debt due him from the holder thereof, who had notice of equities in favor of the maker, is not a bona fide purchaser. Knott v. Tidyman, 86 Wis. 164.

WITHOUT NOTICE OF INFIRMITY. As to instrument indorsed by a bank, see note to 1676-12. A bank discounted a note for a company, and credited it with the amount, the credit subsequently increasing, so that, at the time of the suit on the note, the bank had parted with nothing of value for it. Held, that the bank was not a bona fide purchaser, for value. Mnf. Nat. Bk. v. Newell, 71 Wis. 609.

Where a note is given to a company, constructive notice of infirmity therein to the officers of the company does not in itself import notice to a bank discounting the note, of which, also, they are directors and officers. Ibid.

The mere fact that the officers of the bank knew in a general way, that the company was in the habit of selling machinery and taking notes therefor, and then discounting the same at the bank, was not equivalent to actual notice of the infirmity attaching to this particular note. Ibid.

INFIRMITY. Where an accommodation indorsement was made for a specific purpose, and the note was negotiated by the maker in violation of the agreement with the indorser, the holder cannot recover unless he took the note in good faith for a valuable consideration, without notice of the agreement. Bowman v. Van Kuren, 29 Wis. 209.

When the general manager of a bank taking an instrument as collateral shortly after its execution, took the acknowledgement of a mortgage securing the paper, and had full knowledge of the incapacity of the maker, this is notice to the bank. The transaction being a recent one (the transfer being eleven days after execution) the bank was bound, though the notice was gained in another transaction. Brothers v. Bank, 84 Wis. 381, 395.

It seems that where A makes his note payable to X or bearer, and procures B to sign it for his accommodation, and for the purpose of enabling him to negotiate said note to X, and afterwards A negotiates it in fact to Y for the payment of a different debt, this as a fraud upon B, which if known to Y when he took the note, will prevent a recovery thereon against B. Ibid.

INTEREST DUE. A promissory note matures only when, by its terms, the principal becomes due; and one who purchases it in good faith for value, before maturity, is within the protection of the law merchant, although interest is overdue at the time of such purchase. Boss v. Hewitt, 15 Wis. 260 followed; and a dictum in Hart v. Stickney, 41 Wis. 630 overruled. Kelly v. Whitney et al. 45 Wis. 110. Patterson v. Wright, 64 Wis. 289.

WHAT NOT A PURCHASE. A promissory note for $648.26 had been obtained by the payee through fraud. The plaintiff claimed to be a bona fide purchaser before its maturity. The evidence—showing among other things, that the sale, if any, to the plaintiff was made only ten days before the note became due, at a discount of over $50, and that the payee indorsed the note; that the plaintiff, who knew nothing, and did not enquire as to the pecuniary responsibility of the makers, directed that there should be no protest to charge the payee as indorser; that a draft for a partial payment was indorsed by the plaintiff to the payee; and that after the transfer the business with respect to the note was done by agents of the payee,—is held to sustain a finding by the trial court that the note was never in fact transferred to the plaintiff, and that the payee is still the owner thereof. Smith v. Lockwood, 80 Wis. 491.

LISPENDENS. Does not affect a purchaser and is no constructive notice. Kellogg v. Fancher, 23 Wis. 21.

USUAL COURSE OF BUSINESS. This means according to the customs and uses of the law merchant, without anything unusual on the face of the paper or mode of transfer. A transfer from a receiver, assignee in insolvency, etc., is not in due course. 4 Am. and Eng. Ency. 310.

SECTION 1676-23. When an instrument payable on demand is negotiated an unreasonable length of time after its issue, the holder is not deemed a holder in due course.

When not a holder in due course.

NOTE—Each case necessarily depends upon its own facts and circumstances. The question of reasonable time is purely one of fact. 4 Am. and Eng. Ency. 248, 249. See sec. 1675 above.

SECTION 1676-24. Where the transferee receives notice of any infirmity in the instrument or defect in the title of the person negotiating the same before he has paid therefor the full amount agreed to be paid he will be deemed a holder in due course only to the extent of the amount theretofore paid by him.

Notice of infirmity in the instrument.

NOTE—Where a bank discounts a note and carries the proceeds to the credit of the indorser, who does not draw out the money, the bank is not a holder in due course. Mnf's Bank v. Newell, 71 Wis., 309. But if it pays out the full amount before notice of infirmity it becomes such a holder. Fox v. Bank, 30 Kansas, 441.

SECTION 1676-25. The title of a person who negotiates an instrument is defective within the meaning of this act when he obtains the instrument, or any signature thereto, by fraud, duress, or force or fear, or other unlawful means, or for an illegal consideration, or when he negotiates it in breach of faith, or under such circumstances as amount to a fraud and the title of such person is absolutely void when such instrument or signature was so procured from a person who did not know the nature of the instrument and could not have obtained such knowledge by the use of ordinary care.

Defective title.

NOTE—Prommissory notes under duress are void, even though there may have been some consideration to support them. Magoon v. Reber, 76 Wis., 392.

FRAUD, DURESS, ETC. This section and section 1676 28, making the title defective only, and not absolutely void, change the rule in Wisconsin. See cases cited to section 1676-28.

A wife may avoid notes made under duress of threats, to prosecute her husband. City Nat. Bk. v. Kusworm, 88 Wis., 188.

A note procured by duress is not void but only voidable, and in an action thereon the duress is not a defense if the maker retains a valuable consideration received by him therefor. City Nat. Bk. v. Kusworm, 91 Wis., 166.

So where, in consideration of a note alleged to have been given under duress, the payee surrendered to the maker prior valid notes executed by the latter for the same amount, the duress is not a de-

fense to an action on the new note if the maker retains the notes so surrendered. But if those notes have been lost or destroyed without his agency by mere accident, it may be that the duress will be a defense, provided the maker does all he can to put the payee in as good condition as he was before the note in the suit was given. Ibid.

Actual knowledge of infirmity necessary to notice.

SECTION 1676-26. To constitute notice of an infirmity in the instrument or defect in the title of the person negotiating the same, the person to whom it is negotiated must have had actual knowledge of the infirmity or defect, or knowledge of such facts that his action in taking the instrument amounted to bad faith.

NOTE—Mere suspicion of infirmity immaterial. Kelly v. Whitney, 45 Wis., 110.

A holder not in due course takes the paper subject to equities even though he paid full value. Johnson v. Williard, 93 Wis., 420.

Rights of holder in due course.

Insurance premiums; fraud.

SECTION 1676-27. A holder in due course holds the instrument free from any defect of title of prior parties, and free from defenses available to prior parties among themselves, and may enforce payment of the instrument for the full amount thereof against all parties liable thereon except as provided in sections 1944 and 1945 of these statutes, relating to insurance premiums, and also in cases where the title of the person negotiating such instrument is void under the provision of section 1676-25 of this act.

NOTE—Holder in due course not having actual notice is not affected by pending suit. Kellogg v. Fancher, 23 Wis., 21.

A set-off against the payee of a note cannot be claimed against a bona fide purchaser thereof before due, although he had knowledge of such set- off. Patterson v. Wright, 64 Wis. 289.

Where shares of stock in a corporation are pledged as collateral security to a note, the payee of which is a director and officer of such corporation, the negligence of the payee in the performance of his duties as such director and officer, whereby the stock depreciated or became worthless, is no defense to an action by him on the note. So held where the defense was sought to be interposed by one who indorsed the note at the time of its execution and who owned a part of the stock pledged. Palmer v. Hawes, 73 Wis., 46.

In such action it was alleged that some months after the stock was so pledged that the plaintiff had falsely represented to the indorser that the affairs of the business of the corporation were in good condition, when in fact they were being so carelessly and wastefully managed by the plaintiff and other officers that the stock was rapidly depreciating; that the indorser relied on such representations and was thereby lulled into inactivity and rest concerning her liability on the note when, but for such representations, she might have secured herself from loss. Held, that such facts did not constitute a defense. Ibid.

Holder, other than in due course.

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SECTION 1676-28. In the hands of any holder other than a holder in due course, a negotiable instrument is subject to the same defenses as if it were non-negotiable. But a holder who derives his title through a holder in due course, and who is not himself a party to any fraud, duress or illegality affecting the instrument, has all the rights of such former holder in respect of all parties prior to such holder.

NOTE—This section changes the rule in Wisconsin; but it is in accord with the weight of authority. The Wisconsin cases have been adversely criticised in other courts. 4 Am. and Eng. Ency. 335.

A note dated on a secular day, but actually made and delivered on Sunday is valid in the hands of an innocent holder. Knox v. Clifford, 38 Wis., 651. The maker is estopped. Ibid.

An indorser who entrusts the instruments to another for delivery only on condition is bound by an authorized delivery, as agains a bona fide holder. Ibid. 336.

FRAUD DURESS, ETC. It is settled in Wisconsin that if the maker's signature is procured by false representations as to the character of the paper itself, he being ignorant of its true character, and having no intention to sign such paper, and being guilty of no negligence in doing so, the paper is void even in the hands of an innocent holder. Walker v. Ebert, 29 Wis., 194. Kellog v. Steiner, 29 Wis., 626; Baker v. Karns, 37 Wis., 61. The same rule applies to paper deposited in escrow, and purloined or furtively taken and put in circulation without the knowledge or consent of the depositary. Andrews v. Thayer, 30 Wis., 228. So held where the custodian delivers the paper without authority. This is not a valid delivery. Chapman v. Tucker, 38 Wis., 43. Also where notes were fraudulently obtained for the ostensible purpose of making copies. Roberts v. McGrath, 38 Wis., 52. Roberts v. Wood, 38 Wis., 60.

Where the maker could not read without her glasses, which had been left at a neighbor's, and did not read the paper she signed, a verdict that she was not negligent was sustained, although she had two children present who could read, but were not asked to read the paper. Griffiths v. Kellogg, 39 Wis., 480. Bowers v. Thomas, 62 Wis., 480.

INHERENT EQUITIES. Section 1676-28, above, seems to allow all defenses, whether collateral or inherent. The Wisconsin statute of set-offs allows a set-off to a note negotiated after due. But the mere knowledge by the indorsee before due of a set-off will not make the note subject thereto. Patterson v. Wright, 64 Wis., 289. Equities arising after negotiations cannot affect the holders' rights. 4 Am. & Eng. Ency., 317.

ILLEGALITY. Will not defeat an action upon a note by a holder in due course, without notice of the defect. Johnson v. Meeker, 1 Wis., 378. One who puts in circulation a note dated on a week day is estopped to claim that it was made Sunday. Knox v. Clifford, 38 Wis., 651.

PURCHASER WITH NOTICE from one in due course is protected. Kinney v. Kruse, 28 Wis., 183. Verbeck v. Scott, 71 Wis., 59. But where the payee transfers paper void in his hands to a holder in due course, and re-purchases it from him or a subsequent holder, he is not protected. Tod v. Wick, 36 Ohio St., 370.

RENEWAL. A renewal note is subject to same defenses, and affords the same protection, as the original. 4 Am. & Eng. Ency., 339. First Nat. Bk. of [v.] Plankinton, 27 Wis., 177. Unless the defect is thereby waived or excused; as, by renewing an usurious note by a new note at the lawful rate. Gerlach v. Bassett, 20 Wis., 679. Eastman v. Porter, 14 Wis., 39.

Burden of proof as to title.

SECTION 1676–29. Every holder is deemed prima facie to be a holder in due course; but when it is shown that the title of any person who has negotiated the instrument was defective, the burden is on the holder to prove that he or some person under whom he claims acquired the title as a holder in due course. But the last mentioned rule does not apply in favor of a party who became bound on the instrument prior to the acquisition of such defective title.

NOTE—PRESUMPTION. The holder is presumed to have taken the instrument in due course, and before maturity. Cook v. Helms, 5 Wis., 107. Mason v. Noonan, 7 Wis., 609. Greve v. Schweitzer, 36 Wis., 554. Wayland University v. Bowman, 56 Wis., 657.

BURDEN OF PROOF. This is the Wisconsin rule. Fuller v. Green, 54 Wis., 159. Where an agent for the payee put a note in circulation in fraud of his rights, this is no defense in favor of the maker, nor does it change the burden of proof. Kinney v. Krause, 28 Wis., 183.

After the negotiation of notes, the payees agreed with the creditors of the maker to take forty per cent. in discharge of their claims on the note, in case all other creditors should sign the agreement. The compromise was negotiated prior to the negotiation of the note, but not executed until after such negotiation. Held, that these facts did not change the burden of proof, and that a holder in due course should recover. Gutwillig v. Stumes, 47 Wis., 428.

When a note had been pledged as collateral, with a written assignment indorsed, and the note was afterward re-delivered temporarily to the payee for a specific purpose, who sold it to a third person, the assignment remaining uncancelled, it was held that the purchaser had notice and could not recover. Pier v. Bullis, 45 Wis., 429.

The burden is again shifted when the holder shows that he or some holder under whom he claims, paid full value, since the other requisites, in good faith, of purchase, cannot generally be shown by direct evidence. 4 Am. & Eng. Ency. 323.

TITLE DEFECTIVE, FRAUD, DURESS, ILLEGALITY. When these are shown, or where the paper was fraudulently put in circulation, the burden is on the holder to show that he, or some one through whom he claims, is a holder in due course. Fuller v. Green, 64 Wis., 139. 4 Am. & Eng. Ency., 322. These defects affect the title.

LIABILITIES OF PARTIES.

SECTION 1677. The maker of a negotiable instrument by making it engages that he will pay it according to its tenor; and admits the existence of the payee and his then capacity to indorse. Maker.

SECTION 1677-1. The drawer by drawing the instrument admits the existence of the payee and his then capacity to endorse; and engages that on due presentment the instrument will be accepted or paid, or both, according to its tenor, and that if it be dishonored, and the necessary proceedings on dishonor be duly taken, he will pay the amount thereof to the holder, or to any subsequent indorser who may be compelled to to pay it. But the drawer may insert in the instrument an express stipulation negativing or limiting his own liability to the holder. Drawer.

SECTION 1677-2. The acceptor by accepting the instrument engages that he will pay it according to the tenor of his acceptance; and admits: Acceptor.

1. The existence of the drawer, the genuineness of his signature, and his capacity and authority to draw the instrument; and,

2. The existence of the payee and his then capacity to indorse.

NOTE—The president of a corporation who had control of its business and the disposition of its funds, accepted in the name of the corporation a draft drawn on himself, personally; making it payable at the bank wherein the corporation funds were deposited. The bank paid the draft, as was customary charged the amount to the corporation, and on balancing the deposit book of the corporation, returned the draft to it with other vouchers. The transaction was entered upon the books of the corporation, and no objection was made until six months later, after a receiver of the corporation had been appointed. Held, that the acceptance was a direction to the bank to pay the draft out of the corporate funds, and although the draft was in fact drawn on account of the president's individual transaction, the corporation was estopped to recover the amount from the bank. McLaren v. First Nat. Bank, 76 Wis., 259.

The receiver, having ratified the transaction by bringing suit and recovering judgment against the drawer of the draft, and not being shown to represent the creditors of the corporation existing at the time of the misappropriation of the corporate fund, has no more right to recover, as aginst the bank, than the corporation would have had. Ibid.

Indorser.

SECTION 1677–3. A person placing his signature upon an instrument otherwise than as maker, drawer or acceptor is deemed to be an indorser, unless he clearly indicates by appropriate words his intention to be bound in some other capacity.

NOTE—This expresses the law of this state, except in the United States Courts, and will, if adopted, control those courts also in regard to Wisconsin contracts. Cady v. Shepard, 12 Wis., 639. Davis v. Barron, 13 Wis., 227. Snyder v. Wright, id. 689. King v. Ritchie, 18 Wis., 554. Good v. Martin, 95 U. S., 90. 1st Nat. Bk. v. Fence Co., 24 Fed. R., 221. Phipps v. Harding, 70 Fed. R., 468. In the federal courts he is a maker or guarantor, according to circumstances. 95 U. S., 90.

Liability of indorser in blank.

SECTION 1677–4. Where a person, not otherwise a party to an instrument, places thereon his signature in blank before delivery, he is liable as indorser in accordance with the following rules:

1. If the instrument is payable to the order of a third person he is liable to the payee and to all subsequent parties.

2. If the instrument is payable to the order of the maker or drawer, or is payable to bearer, he is liable to all parties subsequent to the maker or drawer.

3. If he sign for the accommodation of the payee, he is liable to all parties subsequent to the payee.

NOTE—Where a note intended to be used in payment for goods to be purchased of the payee, is indorsed in blank by a third party before delivery, for the purpose of giving credit to the maker, and the payee parts with his goods upon the credit of such indorsement, upon demand at maturity and protest for non payment with due notice thereof, the indorser is liable. King v. Ritchie, 18 Wis., 582.

See note to preceding section.

Warranty.

SECTION 1677–5. Every person negotiating an instrument by delivery or by a qualified indorsement, warrants:

1. That the instrument is genuine and in all respects what it purports to be.

2. That he has good title to it.

3. That all prior parties had capacity to contract;

4. That he has no knowledge of any fact which would impair the validity of the instrument or render it valueless.

But when the negotiation is by delivery only, the warranty extends in favor of no holder other than the immediate transferee.

The provisions of subdivision three of this section do not apply to persons negotiating public or corporate securities, other than bills and notes.

NOTE—The sale and transfer, for a full and fair price, of a note past due, indorsed in blank by the person to whose order it is payable, implies a warranty by the vendor, that such indorsement is valid. Giffert v. West, 37 Wis., 115.

Warranty of indorser without qualification.

SECTION 1677-6. Every indorser who indorses without qualification, warrants to all subsequent holders in due course:

1. The matters and things mentioned in subdivisions one, two and three of the next preceding section; and,

2. That that the instrument is at the time of his indorsement valid and subsisting.

And in addition, he engages that on due presentment, it shall be accepted or paid, or both, as the case may be, according to its tenor, and that if it is dishonored, and the necessary proceedings on dishonor be duly taken, he will pay the amount thereof to the holder, or to any subsequent indorser who may be compelled to pay it.

NOTE—One who has indorsed a note in blank, without qualification expressed in the writing, cannot show by parol, as against the person to whom he delivered it, a contemporaneous agreement between them that he should not be liable as indorser, where no mistake or fraud in procuring the indorsement is alleged. Charles v. Denis, 42 Wis., 56.

Indorsement of instrument negotiable by delivery.

SECTION 1677-7. When a person places his indorsement on an instrument negotiable by delivery he incurs all the liabilities of an indorser.

NOTE—See note to section 167-3. [1677-3.]

Indorsers liable in order of indorsement.

SECTION 1677-8. As respects one another, indorsers are liable prima facie in the order in which they indorse; but evidence is admissible

to show that as between or among themselves they have agreed otherwise. Joint payees or joint indorsees who indorse are deemed to indorse jointly and severally.

NOTE—A made and delivered to B a promissory note to the order of B, indorsed in blank by C for goods sold by B to A on the credit of C's indorsement, pursuant to a prior agreement by C. Held, that C was liable, as a prior indorser, to B; this being the intention of the parties and B being the real creditor, and A and C the real debtors. Cady v. Shepard, 12 Wis., 713. Kiel v. Choate, 92 Wis., 517.

Indorsements by two or more persons may be joint, as where partnership or otherwise joint payees are the indorsers; and perhaps two or more persons not joint payees might qualify their indorsement so as to make their liabilities joint; but in other cases where there are two indorsements in succession, they are several and the rights and liabilities of the two indorsees are as defined in Linn v. Horton, 17 Wis., 151. Hale v. Danforth, 46 Wis., 554.

Negotiation without indorsement by broker.

SECTION 1677-9. When a broker or other agent negotiates an instrument without indorsement, he incurs all the liabilities prescribed by section 1677-5, unless he discloses the name of his principal, and the fact that he is acting only as an agent.

PRESENTMENT FOR PAYMENT.

Presentment when necessary.

SECTION 1678. Presentment for payment is not necessary in order to charge the person primarily liable on the instrument. But except as herein otherwise provided, presentment for payment is necessary in order to charge the drawer and indorsers.

Instruments payable on demand.

SECTION 1678-1. Where the instrument is not payable on demand presentment must be made on the day it falls due. Where it is payable on demand, presentment must be made within a reasonable time after its issue, except that in the case of a bill of exchange, presentment for payment will be sufficient if made within a reasonable time after the last negotiation thereof.

NOTE—Where a sight draft on New York, indorsed to plaintiff in this state, was not mailed to New York to be presented for payment, until after fourteen days, when it was miscarried, and the second of exchange subsequently sent forward was protested, on

delay in mailing the first was prima facie evidence of laches, 23 Wis., 334.

ON THE DAY IT FALLS DUE. The cases are generally opposed to this rule. 4 Am. & Eng. Ency., 348.

ON DEMAND. A note payable on demand must be presented within a reasonable time after transfer in order to charge the indorser. Turner v. Iron Chief Mining Co., 74 Wis., 355.

Where the facts are undisputed the question whether such note was presented within a reasonable time is one of law for the court. Ibid. A delay of ten months after indorsement before presentation for payment, held unreasonable and to discharge the indorser. Id.

Paper indorsed after due must be presented within a reasonable time. Corwith v. Morrison, 1 Pin., 489.

Sufficient presentment.

SECTION 1678-2. Presentment for payment, to be sufficient, must be made:

1. By the holder, or by some person authorized to receive payment on his behalf;

2. At a reasonable hour on a business day;

3. At a proper place as herein defined;

4. To the person primarily liable on the instrument, or if he is absent or in accessible, to any person found at the place where the presentment is made.

Presentment at proper place.

SECTION 1678-3. Presentment for payment is made at the proper place:

1. Where a place of payment is specified in the instrument and it is there presented;

2. Where no place of payment is specified, but the address of the person to make payment is given in the instrument and it is there presented;

3. Where no place of payment is specified and no address is given and the instrument is presented at the usual place of business or residence of the person to make payment;

4. In any other case if presented to the person to make payment wherever he can be found, or if presented at his last known place of business or residence.

NOTE—Temporary absence or removal of the indorser from his place of residence or business is no excuse for non-presentment. Wilson v. Senier, 14 Wis., 411.

Where the indorser, during his absence in England, left a general agent near his residence in this state, and his post office address in England was known to the maker of the note: Held, 1. That notice served upon such agent, or forwarded by mail to the address of the indorser in England, would have been sufficient. 2. That the holder, if ignorant of the indorser's address in England, would be bound to exercise diligence in making inquiry on the sub-

ject, and the maker was a proper person to whom to make such inquiry. 3. That if, after such inquiry, he could not ascertain the facts, then service by leaving the notice at the indorser's last place of abode or business, or by depositing it in the post office addressed to him at his last place of residence in this state, would probably have been sufficient. Ibid.

Service at the place of business must be during business hours, but service at the residence will be sufficient if made during any of the hours when members of a household are attending to their ordinary affairs. Adams v. Wright, 14 Wis., 442.

If service of notice be promptly made at the dwelling house or place of business of the indorser, it is sufficient, although he did not in fact receive it. 14 Wis., 442.

The notary in this case testified that he had protested several notes on which the defendant was indorser, and that on one occasion, but whether on that of giving the notice herein question he could not say, he gave the notice to a boy whom he met in the defendant's yard (and who said that he was the defendant's boy), and asked him to hand it to his father; that the boy turned and went towards the house, but that he did not see him go in, as the door was not in sight from where he stood. Held, that the mode of leaving the notice thus described did not constitute a valid service of the same. 14 Wis., 442.

Held, further, that it was for the jury to determine whether the notice so left was that of the protest of the note then in suit. 14 Wis., 442.

Presentment and demand of payment of a promissory note at the abandoned place of business of the maker is insufficient to charge an indorser, if the maker has another place of business or his place of residence is known or may be ascertained by reasonable diligence. Reinke v. Wright, 93 Wis., 368.

PLACE OF PAYMENT. A presentment to the maker on the day when due at any other place is valid. Howard v. Boorman, 17 Wis., 459. This rule is changed by the above provision, according to the rule settled generally in the United States. 4 Am. & Eng. Ency., 371.

Exhibition of instrument.

SECTION 1678-4. The instrument must be exhibited to the person from whom payment is demanded, and when it is paid must be delivered up to the party paying it.

NOTE—If lost, a copy may be exhibited, with offer of indemnity. 4 Am. & Eng. Ency., 360.

During banking hours.

SECTION 1678-5. Where the instrument is payable at a bank, presentment for payment must be made during banking hours, unless the person to make payment has no funds there to meet it at any time during the day, in which case presentment at any hour before the bank is closed on that day is sufficient.

In case of death.

SECTION 1678-6. Where the person primarily liable on the instrument is dead, and no place of payment is specified, presentment for payment

ust be made to his personal representative, if ich there be, and if, with the exercise of reason- ble diligence, he can be found.

SECTION 1678-7. Where the persons prima- ly liable on the instrument are liable as part- rs and no place of payment is specified, pre- ntment for payment may be made to any one them, even though there has been a dissolu- on of the firm. Partners.

SECTION 1678-8. Where there are several rsons, not partners, primarily liable on the in- rument, and no place of payment is specified, esentment must be made to them all. Joint debtors.

SECTION 1678-9. Presentment for payment not required in order to charge the drawer ere he has no right to expect or require that drawee or acceptor will pay the instrument. In order to charge drawer.

SECTION 1678-10. Presentment for payment not required in order to charge an indorser ere the instrument was made or accepted for accommodation, and he has no reason to ex- t that the instrument will be paid if pre- ted. In order to charge indorser.

SECTION 1678-11. Delay in making present- nt for payment is excused when the delay is used by circumstances beyond the control of holder, and not imputable to his default, sconduct or negligence. When the cause of ay ceases to operate, presentment must be de with reasonable diligence. Delay, when excused.

OTE—As, by delay in mail. 6 Wis., 422. Sickness of the er is no excuse, unless it was not only sudden, but so severe as only to prevent him from making presentment, and giving notice self. but from employing another to do so; and it must be n that proper steps were taken as soon as the disability was ved. Wilson v. Senier, 14 Wis., 411. Where such sickness fatal. yet a delay of the executrix to present the note for sev- month discharged the indorser. Ib.

solvency of maker is no excuse, although known to the in- r when the indorsement was made. Ibid. Taking security by ndorser is no excuse. Nothing but a general assignment and sfer to the indorser of all the maker's effects, or the receipt by im of money or property to satisfy the note, will excuse such ntment and notice. Ibid.

When dispensed with.

SECTION 1678–12. Presentment for payment is dispensed with:

1. Where after the exercise of reasonable diligence presentment as required by this chapter cannot be made.

2. Where the drawee is a fictitious person;

3. By waiver of presentment express or implied.

NOTE—INSOLVENCY. Mere insolvency does not excuse presentment. Reinke v. Wright, 93 Wis., 368.

WAIVER. A note was secured by a chattel mortgage running to the payee but given to protect indorsers. After maturity of the note a part of the mortgaged property was sold, with the consent and approval of an indorser, and the amount realized was indorsed on the note. Held, not a payment by said indorser such as would constitute a waiver of presentment of the note to the maker and a demand of payment. Reinke v. Wright, 93 Wis., 368.

DISHONOR.

By non-payment.

SECTION 1678–13. The instrument is dishonored by non-payment when:

1. It is duly presented for payment and payment is refused or cannot be obtained; or,

2. Presentment is excused and the instrument is overdue and unpaid.

Right of recourse of holder.

SECTION 1678–14. Subject to the provisions of this act, when the instrument is dishonored by non-payment, an immediate right of recourse to all parties secondarily liable thereon, accrues to the holder.

Without grace. Maturity.

SECTION 1678–15. Every negotiable instrument is payable at the time fixed therein without grace. When the day of maturity falls upon a Sunday, or a holiday, the instrument is payable on the next succeeding business day.

Time of payment.

SECTION 1678–16. Where the instrument is payable at a fixed period after date, after sight or after the happening of a specified event, the time of payment is determined by excluding the day from which the time is to begin to run, and by including the date of the payment.

At a bank.

SECTION 1678–17. Where the instrument is made payable at a bank it is equivelant to an order to the bank to pay the same for the account of the principal debtor thereon.

SECTION 1678–18. Payment is made in due course when it is made at or after the maturity of the instrument to the holder thereof in good faith and without notice that his title is defective. Payment in due course.

NOTICE OF DISHONOR.

SECTION 1678–19. Except as herein otherwise provided, when a negotiabe instrument has been dishonored by non-acceptance or non-payment, notice of dishonor must be given to the drawer and to each indorser, and any drawer or indorser to whom such notice is not given is discharged. Notice, how given.

NOTE—Where an instrument is indorsed (or accepted) after maturity, the holder must in order to charge persons secondarily liable make a demand and give notice of non-payment within a reasonable time thereafter. Corwith v. Morrison, 1 Pin., 489.

What is due diligence when the facts are not disputed is for the court. Parkinson v. McKim, 1 P., 214.

In an action by the indorsee against the indorser of a promissory note, which was not presented to the maker at maturity, the burden is upon the plaintiff to show that the maker had then removed from the state, or that due diligence was used to find him or ascertain his place of residence. Eaton v. McMahon, 42 Wis., 484.

SECTION 1678–20. The notice may be given by or on behalf of the holder, or by or on behalf of any party to the instrument who might be compelled to pay it to the holder, and who, upon taking it up would have a right to reimbursement from the party to whom the notice is given. Who may give.

NOTE—Linn v. Horton, 17 Wis., 151.

SECTION 1678–21. Notice of dishonor may be given by an agent either in his own name or in the name of any party entitled to give notice, whether that party be his principal or not. By agent.

SECTION 1678–22. Where notice is given by or on behalf of the holder, it enures for the benefit of all subsequent holders and all prior parties who have a right of recourse against the party to whom it is given. Subsequent holders.

SECTION 1678–23. Where notice is given by or on behalf of a party entitled to give notice, it Notice on behalf of entitled party.

enures for the benefit of the holder and all parties subsequent to the party to whom notice is given.

NOTE—The holder of a bill or note may rely, if he choose, on the responsibility of his immediate indorser, and need not give notice of protest for non-acceptance or non-payment to any previous party Linn v. Horton, 17 Wis., 157.

In such case, if notice be properly given in due time by the latter indorser to previous parties, it will enure to the benefit of the holder, and he may recover from any of them. Ibid.

It is no objection to such notice that it was not received so soon by an earlier indorser as it would have been if transmitted directly by the holder or notary, provided it was sent with reasonable diligence by each indorser as he received it. Ibid.

The same degree of diligence must be exercised by the indorser in forwarding notice, as is required of the holder. Ordinary diligence must be used in both cases. Ibid.

The indorser is not bound to forward notice to a previous party on the same day on which he receives it, but may wait until the next day. Ibid.

For the purpose of receiving and transmitting notice, those who hold negotiable paper at the time of protest, and those who indorse as mere agents to collect are regarded as real parties to the paper: the former as holders in fact, and the latter as actual indorsers for value. Ibid.

On the day a note fell due at Janesville, in this state, notice of protest addressed severally to H (who had indorsed for the makers and resided near Janesville) to the payees and to their bankers in New York (who had respectively indorsed the note for collection) were sent by mail, postpaid, to the latter, who received them and on the same day delivered to the payees the notice for them and H; and on the same day the payees forwarded the notice for H, by mail, postpaid, directed to him at his proper post office at Janesville; but it was never received by him. Held, in an action by the payees, that H was chargeable with the notice. Ibid.

In hands of an agent.

SECTION 1678–24. Where the instrument has been dishonored in the hands of an agent, he may either himself give notice to the parties liable thereon, or he may give notice to his principal. If he give notice to his principal, he must do so within the same time as if he were the holder, and the principal upon the receipt of such notice has himself the same time for giving notice as if the agent had been an independent holder.

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Character of notice.

SECTION 1678–25. The notice may be in writing or merely oral and may be given in any terms which sufficiently identify the instrument, and indicate that it has been dishonored by non-acceptance or non-payment. It may in all cases be given by delivering it personally or through the mails.

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SECTION 1678–26. A written notice need not be signed and an insufficient written notice may be supplemented and validated by verbal communication. A misdescription of the instrument does not vitiate the notice unless the party to whom the notice is given is in fact misled thereby. Written notice.

NOTE—BY MAIL. Is valid. Brewster v. Arnold, 1 Wis., 229. But not where the indorser lives only two miles from the residence of the notary protesting it. Smith v. Hill, 6 Wis., 153. See Glicksman v. Earley, 78 Wis., 223.

Where a note was payable at a bank in the city of Madison and an indorser resided in the town of Westport, six miles from Madison and from the residence of the notary who protested the note, but usually received his mail matter at the post office at Madison; Held, that a proper notice deposited in the post office at Madison, addressed to such indorser at Madison, was sufficient to charge him, although there was a post office in the town of Westport, nearer to his residence. Westfall v. Farwell, 13 Wis., 563. Actual transmission by mail from the place to another is not essential, in all cases, to a good service through the post office. Ibid. A statute requiring personal service was so construed as to authorize a service by leaving a notice at the place of residence or business. Ibid.

SECTION 1678–27. Notice of dishonor may be given either to the party himself or to his agent in that behalf. To whom given.

SECTION 1678–28. When any party is dead, and his death is known to the party giving notice, the notice must be given to a personal representative, if there be one, and if with reasonable diligence he can be found. If there be no personal representative, notice may be sent to the last residence or last place of business of the deceased. Deceased party.

SECTION 1678–29. Where the parties to be notified are partners, notice to any one partner is notice to the firm even though there has been a dissolution. Partners.

SECTION 1678–30. Notice to joint parties who are not partners must be given to each of them, unless one of them has authority to receive such notice for the others. Joint parties.

SECTION 1678–31. Where a party has been adjudged a bankrupt or an insolvent, or has made an assignment for the benefit of creditors, Bankrupt.

notice may given either to the party himself or to his trustees or assignee.

When given.

SECTION 1678–32. Notice may be given as soon as the instrument is dishonored; and unless delay is excused as hereinafter provided, must be given within the times fixed by this chapter.

Where parties reside in same place.

SECTION 1678–33. Where the person giving and the person to receive notice reside in the same place, notice must be given within the following times:

1. If given at the place of business of the person to receive notice, it must be given before the close of business hours on the day following.

2. If given at his residence, it must be given before the usual hours of rest on the day following.

3. If sent by mail, it must be deposited in the post office in time to reach him in usual course on the day following.

Where parties reside in different places.

SECTION 1678–34. Where the person giving and the person to receive notice reside in different places, the notice must be given within the following times:

1. If sent by mail, it must be deposited in the post office in time to go by mail the day following the day of dishonor, or if there be no mail at a convenient hour on that day, by the next mail thereafter.

2. If given otherwise than through the post-office, then within the time that notice would have been received in due course of mail, if it had been deposited in the post office within the time specified in the last sub-division.

By mail.

SECTION 1678–35. Where notice of dishonor is duly addressed and deposited in the post office, the sender is deemed to have given due notice, notwithstanding any miscarriage in the mails.

When mailed.

SECTION 1678–36. Notice is deemed to have been deposited in the post office when deposited in any branch post office or in any letter box under the control of the post office department.

SECTION 1678–37. Where a party receives notice of dishonor, he has, after the receipt of such notice, the same time for giving notice to antecedent parties that the holder has after the dishonor. Notice to antecedent parties.

SECTION 1678–38. Where a party has added an address to his signature, notice of dishonor must be sent to that address; but if he has not given such address, then the notice must be sent as follows: Where to be sent.

1. Either to the post office nearest to his place of residence, or to the post office where he is accustomed to receive his letters; or

2. If he live in one place, and have his place of business in another, notice may be sent to either place; or

3. If he is sojourning in another place, notice may be sent to the place where he is sojourning.

But where the notice is actually received by the party within the time specified in this act, it will be sufficient, though not sent in accordance with the requirements of this section.

NOTE—Notice may be served either at place of business or residence. Simms v. Larkin, 19 Wis., 412.

SECTION 1678–39. Notice of dishonor may be waived, either before the time of giving notice has arrived, or after the omission to give due notice, and the waiver may be express or implied. Waiver of notice.

NOTE Same rule in Wisconsin. Worden v. Mitchell, 7 Wis., 139. Is not within the statute of frauds, and may be by parol. Ibid. Part payment by the endorser, with knowledge of want of presentment, etc., is a waiver. Knapp v. Runals, 37 Wis., 135. It may be waived for a specific time, and must then be given. Worden v. Mitchell, supra. Where a note, on or a short time before the day of its maturity, is presented to an indorser, and the latter then promises that if the note is suffered to run he will pay it whenever payment is called for, an omission of protest and notice caused by such promise will not discharge the indorser. Hale v. Danforth, 46 Wis., 554. A promise to pay by drawer or indorser who is ignorant of the failure to give notice of dishonor, is not a waiver. Schierl v. Baumel, 75 Wis., 75.

SECTION 1678–40. Where the waiver is embodied in the instrument itself, it is binding upon all parties; but where it is written above the signature of an indorser, it binds him only. Waiver in instrument.

Waiver of protest.

SECTION 1678-41. A waiver of protest, whether in the case of a foreign bill of exchange or other negotiable instrument, is deemed to be a waiver not only of a formal protest, but also of presentment and notice of dishonor.

Notice, when dispensed with.

SECTION 1678-42. Notice of dishonor is dispensed with when, after the exercise of reasonable diligence, it cannot be given to or does not reach the parties sought to be charged.

NOTE—As where the place of residence or business of the maker or indorser cannot be found after reasonable diligence. The burden of proof is upon the holder. Eaton v. McMahon, 42 Wis., 484.

Delay, when excused.

SECTION 1678-43. Delay in giving notice of dishonor is excused when the delay is caused by circumstances beyond the control of the holder and not imputable to his default, misconduct or negligence. When the cause of delay ceases to operate, notice must be given with reasonable diligence.

NOTE—O and L were joint indorsers of a promissory note, and L died a few days before its maturity; it was protested for non-payment, and O had due notice thereof, and the notary who protested the note made inquiries, for three days before the note became due, in the ward where L had resided and learned of the fact of his death, and that he had no family except a wife, and that she had gone to Canada with her father; and he made inquiries of persons whom he thought would be most likely to know, whether any executor or administrator had been appointed on L's estate, and could not learn that any had been appointed; he then deposited two notices in the post office at Milwaukee, where L had resided and died, one directed to L and the other to "L's executors and administrators." Held, that the notary was authorized to presume, from the information he had received, that L's family had no longer any residence in Milwaukee, and that he was not bound to go to the house where he had lived, to see if he could not find a servant there who had once lived with the deceased; and that the notary had exercised due diligence to notify the representatives of L of the dishonor of the note. Boyd v. Orton, 16 Wis., 521.

A bank had notes for collection. The bank building was burned and the bank had only resumed business in a tentative way in a temporary structure when the note became due. Held, that this would not excuse a failure to notify indorsers. Merchts' Bk. v State Bk., 94 Wis., 444.

Notice to drawer, when not required.

SECTION 1678-44. Notice of dishonor is not required to be given to the drawer in either of the following cases:

1. Where the drawer and drawee are the same person;

2. Where the drawee is a fictitious person or a person not having capacity to contract.

3. Where the drawer is the person to whom the instrument is presented for payment;

4. Where the drawer has no right to expect or require that the drawee or acceptor will honor the instrument;

5. Where the drawer has countermanded payment.

NOTE—Notice of non-acceptance or non-payment is not required in order to charge the drawer, if he has no funds or effects in the drawee's hands; but the burden of proving that fact is upon the holder. Mehlberg v. Fisher, 24 Wis. 607.

Evidence that the drawees told the holder on presentation for acceptance, that they had no money to pay it, is inadmissible, being hearsay. Ibid.

The burden of proof is upon the holder to show that he has used due diligence to find the residence or place of business of the maker or acceptor. Eaton v. McMahon, 42 Wis., 484.

Notice to indorser, when not required.

SECTION 1678–45. Notice of dishonor is not required to be given to an indorser in either of the following cases:—

1. Where the drawee is a fictitious person or a person not having capacity to contract, and the indorser was aware of the fact at the time he indorsed the instrument;

2. Where the indorser is the person to whom the instrument is presented for payment;

3. Where the instrument was made or accepted for his accommodation.

Of subsequent dishonor.

SECTION 1678–46. Where due notice of dishonor by non-acceptance has been given notice of a subsequent dishonor by non-payment is not necessary, unless in the meantime the instrument has been accepted.

Omission to give notice.

SECTION 1678–47. An omission to give notice of dishonor by non-acceptance does not prejudice the rights of a holder in due course subsequent to the omission, but this shall not be construed to revive any liability discharged by such omission.

Protest.

SECTION 1678–48. Where any negotiable instrument has been dishonored it may be protested for non-acceptance or non-payment, as

the case may be; but protest is not required except in the case of foreign bills of exchange.

NOTE—Same rule in Wisconsin: Sumner v. Bowen, 2 Wis. 383. (changed by statute).

DISCHARGE OF NEGOTIABLE INSTRUMENTS.

When discharged.

SECTION 1679. A negotiable instrument is discharged:

1. By the payment in due course by or on behalf of the principal debtor;

2. By payment in due course by the party accommodated, where the instrument is made or accepted for accommodation;

3. By the intentional cancellation thereof by the holder;

4. By any other act which will discharge a simple contract for the payment of money;

5. When the principal debtor becomes the holder of the instrument at or after maturity in his own right.

NOTE—PAYMENT.—The presumption that a note is unpaid, arising from the payee's possession thereof, uncancelled, and undistinguished by endorsed payments, is not sufficiently met by showing payments of money by the maker to the payee, without further showing that there were no other dealings between the parties, upon which such payments might have been made. Somervall v. Gillies, 31 Wis., 152.

Where such absence or other dealings is shown, proof of moneys paid by the maker to the payee would create a strong and almost conclusive presumption that they were paid upon the note. Ibid.

The cancellation and surrender of a promissory note upon the giving of a new note in renewal thereof, does not raise any presumption that the renewal note is taken in payment of the debt, but an agreement to that effect must be shown. First Nat. Bk. of Racine v. Case, 63 Wis., 504.

A draft was sent by the payee, a La Crosse bank, to a bank at Sparta for collection. The Sparta Bank, at the request of the drawee and on the faith of his solvency, gave him credit for the amount, made its own draft on a Chicago bank payable to the La Crosse bank, and mailed it to the latter "in payment of" the draft first mentioned. Held, that this was a delivery of the Chicago draft by the drawee in the first draft, through the Sparta bank, to the La Crosse bank, the payee, and that the Sparta bank could not on learning of said drawee's insolvency, stop payment of the Chicago draft or withdraw it from the mail. Canterbury v. Bank of Sparta, 91 Wis., 53.

Accepting new notes of the same maker, for a smaller amount in full payment and satisfaction, and the new notes being paid, operates as payment so that a surety is discharged. Jaffray v. Trane, 50 Wis., 349.

SECTION 1679–1. A person secondarily liable on the instrument is discharged: Discharge from secondary liability.

1. By any act which discharges the instrument;

2. By the intentional cancellation of his signature by the holder;

3. By the discharge of a prior party;

4. By a valid tender of payment made by a prior party;

4a. By giving up or applying to other purposes collateral security applicable to the debt, or, there being in the holder's hands or within his control the means of complete or partial satisfaction, the same are applied to other purposes.

5. By a release of the principal debtor, unless the holder's right of recourse against the party secondarily liable is expressly reserved;

6. By an agreement binding upon the holder to extend the time of payment, or to postpone the holder's right to enforce the instrument unless made with the assent, prior or subsequent, of the party secondarily liable, unless the right of recourse against such party is expressly reserved, or unless he is fully indemnified.

NOTE—Any valid extension of time to the acceptor discharges he drawer. Racine Co. Bk. v. Lathrop, 12 Wis. 519.

One who has signed a note as surety, will not be discharged by n invalid agreement to extend the time of payment to his principal; nor by a valid agreement made by a holder without notice hat he is a surety. St. Maries v. Polleys et al., 47 Wis., 67.

An usurious agreement for extension of time of payment may be hown by parol, in a proper case. 47 Wis. Ibid.

Where one issue was whether the time of payments had been xtended on the note in suit, the jury was instructed that an greement to pay a bonus or interest in excess of ten per cent. eing illegal, would not constitute a sufficient consideration. Held, hat this must be understood of a mere executory agreement, and as correct. Meiswinkle v. Jung, 30 Wis., 361. Ibid.

One who appears upon the face of a note as having signed it s a joint maker, may show by parol that the creditor knew, when he note was executed, that he was merely a surety, and has since, ithout his consent, extended time of payment to the principal. vine v. Adams, 48 Wis., 468.

Successive agreements by the payee of a note to extend time of ayment to the principal for usurious consideration, with successive ayments, after the expiration of each time of extension, of the ury stipulated therefor, do not release the surety; there being suspension of the payee's right to enforce payment of the note. Wis., Ibid.

Where, upon the principal maker of a note comprising [compromising] with a part of his creditors, including the surety, the latter treats the amount of the note as an existing obligation of the principal to him, he is estopped to deny his liability to the payee thereon, though the latter was not a party to the compromise. 45 Wis., Ibid.

Payment before due of the interest on a note is a sufficient consideration for an agreement to extend the time for payment of the principal. Grace v. Lynch, 80 Wis., 166.

Where such an agreement is fully executed on the one part by the payment of the interest, it is not within the statute of frauds, though not in writing and not to be performed within a year. Ibid.

An extension of the time for payment of a renewal note without the knowledge or consent of one of the makers does not discharge him, although he was merely an accommodation maker of the original note, where the renewal was accepted at his sole request and for his accommodation and benefit alone. First Nat. Bk. v. Jones, 92 Wis., 36.

If, after learning of an extension of the time for payment of a note, a surety recognizes his liability thereon by giving a collateral note for the debt or in any other way amounting to a promise to pay the same, he remains liable notwithstanding such extension. Ibid.

An agreement to take new notes for those in suit, payable at a later date, neither executed nor on any new consideration, is invalid, and does not release a surety. Jaffray v. Crane, 50 Wis., 349.

An agreement to extend the time of payment of a note past due, "for twenty or thirty days," is a good agreement to extend for a definite period of at least twenty days. Hamilton v. Prouty, 50 Wis., 592.

An agreement of the holder of a note past due, with the maker, to extend the time of payment for a definite period, in consideration of an usurious premium paid in advance, without the knowledge or acquiescence of the indorsers, discharges the latter. 50 Wis., 592.

The words "This note to be extended if desired by makers" indorsed upon a note, are too indefinite to have any legal significance, and the unauthorized addition thereto, by the holders, of the words "on payment of the interest, as expressed, until January 1, 1879" would not affect the note. Krouskop v. Shontz, 51 Wis., 204.

An agreement upon sufficient consideration, to extend the time of payment of a note "until after threshing" held to be for a time sufficiently definite to give it validity, and work a discharge of the non-assenting surety. Moulton v. Posten, 52 Wis., 169.

The consideration for the alleged extension was a second note then given by the principal promisor in the first note; such second note was usurious; and it does not appear that it has ever been paid. Held, that there was a valid extension. Ibid.

Where a new firm, on buying out an old one, undertakes, with the knowledge of a creditor of the old firm, to pay its debts, the members of the old firm not included in the new are thereafter sureties upon the liability so assumed, and will be discharged from liability as such sureties by any extension of time granted without their consent, by the creditor, to the new firm. Brill v. Holle, 53 Wis., 537.

An usurious note given by the principal maker of another note to the holder thereof is a sufficient consideration for an extension of the time for payment of the latter. Fay v. Tower, 58 Wis., 2[illegible]

Admissions by a surety of his liability upon a note, made in ignorance of the fact that the holder had granted an extension of

the time for its payment, cannot estop him from asserting his release by reason of such extension. Ibid.

The liability of a surety who has been fully indemnified against loss by the principal debtor continues notwithstanding an extension of the time for payment; but the giving of a mortgage to the surety to indemnify him does not, if the mortgage proves worthless, continue his liability. Ibid.

In action by a bank against accommodation indorsers of notes it appeared, among other things, that after maturity thereof, the maker paid interest thereon for ninety-three days in advance. He testified that the plaintiff's cashier had agreed to extend the time of payment if the interest was paid in advance. Upon such payment being made the dates upon the backs of the notes, showing the times when they became due, were changed to the dates to which interest was so paid, and the notes were placed with others becoming due at those times, and no demand of payment was made until about those dates. The cashier testified that he had told the maker that if he wanted an extension he must get new notes indorsed by the same parties, and that he did not intentionally extend the time. The indorsers had no knowledge of and did not consent to any extension. Held, that the evidence did not warrant a verdict against the indorsers, it appearing that there had been an extension which released them. Batavian Bank v. McDonald, 77 Wis., 486.

At the maturity of a note, the maker asked for an extension of time, offering to have his wife sign the note. The payee agreed to grant an extension if a surety on the note would consent. The maker represented that he had seen the surety and knew he would consent, and thereupon his wife signed the note; but the surety when applied to refused his consent to the extension. Afterwards the payee caused judgment to be entered on the note against the maker and his wife and the surety. Held, that by so doing, he was estopped to assert that there was no extension or that there was no consideration for such extension because the note was not valid as against the maker's wife; and that the surety was discharged from liability. Donkle v. Milem, 88 Wis., 33.

RELEASING SECURITY.—Where the holder of promissory note, by filing his claim for the amount due thereon in the assignment proceedings of an insolvent indorser, had obtained an interest in or lien on the assets in the hands of the assignee for its payment, which, if enforced, would have satisfied the claim, his subsequent voluntary release of such lien or claim without the consent of a later indorser discharged the latter from his liability on the note. Plankinton v. Gorman, 93 Wis., 560.

Giving a renewal indorsement without notice of a misapplication of securities is not a waiver. Price Co. Bk. v. McKenzie, 91 Wis., 658.

When paid by secondary party.

SECTION 1679-2. Where the instrument is paid by a party secondarily liable thereon, it is not discharged; but the party so paying it is remitted to his former rights as regards all prior parties, and he may strike out his own and all subsequent indorsements, and again negotiate the instrument, except:

1. Where it is payable to the order of a third person, and has been paid by the drawer; and

2. Where it was made or accepted for accommodation, and has been paid by the party accommodated.

NOTE—In an action by the indorser of a bill of exchange (who has been compelled to pay the same) the drawer and acceptor cannot defend on the ground that the bill was given and accepted on an unfulfilled parol condition, as that the payee would surrender a note held by him against a third person. Foster v. Clifford, 44 Wis., 569.

Under the rule of our statute that every action must be prosecuted in the names of the real party in interest, the payee of a promissory note who has transferred the same cannot maintain an action or an attachment for the debt so long as the notes remain in the hands of his assignee, even though, in transferring them, he indorsed them; but in that case, if he afterwards pays and takes them up he is remitted to his original rights. Landauer v. Espenhain, 95 Wis., 169.

Renunciation of rights.

SECTION 1679-3. The holder may expressly renounce his rights against any party to the instrument, before, at or after its maturity. An absolute and unconditional renunciation of his rights against the principal debtor made at or after the maturity of the instrument discharges the instrument. But a renunciation does not affect the rights of a holder in due course without notice. A renunciation must be in writing, unless the instrument is delivered up to the person primarily liable thereon.

Cancellation by mistake.

SECTION 1679-4. A cancellation made unintentionally, or under a mistake, or without the authority of the holder, is inoperative; but where an instrument or any signature thereon appears to have been cancelled the burden of proof lies on the party who alleges that the cancellation was made unintentionally, or under a mistake or without authority.

Altering of instrument.

SECTION 1679-5. Where a negotiable instrument is materially altered without the assent of all parties liable thereon, it is avoided, except as against a party who has himself made, authorized or assented, orally or in writing, to the alteration and subsequent indorsers. But when an instrument has been materially altered and is in the hands of a holder in due course, not a

party to the alteration, he may enforce payment thereof according to its original tenor.

NOTE—Conditional proposal by offering to give another note at different time of payment, is not. Kilkelly v. Martin, 34 Wis., 525.

Changing a word "order to "bearer," if it appears to have been done at the time of execution, will not affect the paper. Williams v. Starr, 5 Wis., 534. Otherwise, if made after delivery. Such an alteration is a material one. Union Nat. Bk. v. Roberts, 45 Wis., 373.

The unauthorized but not fraudulent alteration of a note, made under mistake of right to conform the note to the actual agreement rendering it void, does not prevent recovery on the original consideration; and a complaint on the note may be amended to claim such recovery. Matteson v. Ellsworth, 33 Wis., 488.

The words "ten per cent. interest if not paid before due," found written on the face of a note when offered in evidence, partly on the same line as the last word in the printed form, and before the signature, and partly on a lower line, held to be a part of the note as it then existed. Kilkelly v. Martin, 34 Wis., 525.

If such words were written after the note was signed by the makers, with the knowledge and consent of the holder, but without the knowledge or consent of the party sought to be charged, the liability of the latter was thereby extinguished. Ibid.

Whatever may be the rule as to sealed instruments, it is well settled that the alteration of an instrument not under seal, made by one party with the other's assent, will not avoid it. An assent to one already made has the same effect as an original grant of authority to make the alteration. Ibid.

An addition of the words "payable annually" after the argeement to pay interest, not made with fraudulent intent, but to make the note conform to the understanding of the payee of the actual agreement, would bring the case within the Matteson case, supra. But where the note did not show such alteration (it being claimed that it had been erased) and the note appeared fair on its face, the burden of proof as to alteration is upon the maker, or other person who would otherwise be liable. Gorden v. Robertson, 48 Wis., 493.

Where, in a printed form used in drawing a promissory note, the words "after due" in the clause relating to interest, have been striken out, apparently with a different ink from that used in filling up the body of the note, so that the general appearance of the instrument raises a suspicion of its genuineness, the party offering it in evidence must explain this appearance by some evidence upon which a jury might find that the words were stricken out before or at the time when the note was made. Page v. Danker. 43 Wis., 221.

An alteration by a trespasser, against the holder's will, does not affect the paper. Ibid.

Where the principal maker of a note past due, without the knowledge or consent of his sureties to the same, borrows money upon a new note with other sureties, for the purpose of taking up the first note, with the understanding that the first note, when taken up, shall be transferred to such new securities as collateral security, and the money so borrowed is used in fulfilling and satisfying the purpose for which the first note was given, this amounts to a payment of the same, and the sureties thereon are discharged. Greening v. Patten et al., 51 Wis., 146.

The principal maker, by so transferring the first note after its payment, to the new sureties, in consideration of their becoming

such, is estopped (as against them) from alleging that such note was in fact paid. Ibid.

Where upon a promissory note of a husband and wife for $140, there was indorsed a property statement by the wife, as a basis of the credit given, showing that she owned a farm worth $4,000.00 and personal property worth $600.00, a subsequent unauthorized change of the last figures to $1,000.00 made by the holders, held, not a material alteration of the note, because the $600.00 basis of credit is as good as that of $1,000.00. Krouskop v. Shontz, 51 Wis., 204.

An alteration of a written contract, which in no way changes the legal effect thereof as between the parties thereto, is immaterial and does not avoid the contract. Fuller v. Green, 64 Wis., 159.

Merely affixing the name of an attesting witness to a promissory note is not a material alteration thereof. Ibid.

If an alteration is immaterial, the intent with which it was made is immaterial. Ibid.

The materiality of an alteration is to be determined by its effect upon the rights of the parties under the laws of the state in which the question is raised. Ibid.

HOLDER IN DUE COURSE.—This changes the rule adopted by the authorities. 4 Am. & Eng. Ency., 332, 333. In case the instrument is so drawn that a contract or memorandum qualifying negotiability can be readily detached, which is done, and the paper negotiated a holder in due course may recover, because of the negligence of the maker. Ibid.

Material alteration.

SECTION 1679-6. Any alteration which changes:

1. The date;

2. The sum payable, either for principal or interest;

3. The time or place of payment;

4. The number or the relation of the parties;

5. The medium or currency in which payment is to be made;

Or which adds a place of payment where no place of payment is specified, or any other change or addition which alters the effect of the instrument in any respect, is a material alteration.

NOTE—Query whether the addition of the signature of the maker's wife, is a material alteration. Donkle v. Milem, 88 Wis., 23. (cases in conflict).

THE DATE.—No change in Wisconsin law. Low v. Merrill, 2 Pin., 340.

ALTERATION OF MEMORANDUM.—The material change in a memorandum which is part of an instrument avoids it. 4 Am. & Eng. Ency. 142.

PLACE OF PAYMENT.—The authorities are in conflict upon this question. 4 Am. & Eng. Ency., 142.

BILLS OF EXCHANGE.

FORM AND INTERPRETATION.

SECTION 1680. A bill of exchange is an unconditional order in writing addressed by one person to another, signed by the person giving it, requiring the person to whom it is addressed to pay on demand or at a fixed or determinable future time a sum certain in money to order or bearer. What is bill of exchange.

NOTE—A bill of exchange need not be payable to order or bearer, nor on a fixed day, nor at a particular place. Mehlberg v. Fisher, 24 Wis., 607. The above statute changes the rule of this case.

DESIGNATING DRAWEE. See note to section 1675.

DESIGNATING THE PAYEE.—May be to a bank manager, treasurer, trustee, executor or a steamboat. 4 Am. & Eng. Ency. 113. See section 1675-3.

SECTION 1680a. A bill of itself does not operate as an assignment of the funds in the hands of the drawee available for the payment thereof and the drawee is not liable on the bill unless and until he accepts the same. Not an assignment of funds.

SECTION 1680b. A bill may be addressed to two or more drawees jointly, whether they are partners or not; but not to two or more drawees in the alternative. Address of bill.

NOTE—PARTNERS.—An acceptance by one partner in his own name of a bill drawn on the firm, for goods sold to it, binds the firm. Tolman v. Harnahan, 44 Wis., 133.

SECTION 1680c. An inland bill of exchange is a bill which is, or on its face purports to be, both drawn and payable within this state. Any other bill is a foreign bill. Unless the contrary appears on the face of the bill, the holder may treat it as an inland bill. Inland and foreign bill.

SECTION 1680d. Where in a bill drawer and drawee are the same person, or where the drawee is a fictitious person, not having capacity to contract, the holder may treat the instrument, at his option, either as a bill of exchange or a promissory note. Where drawer and drawee are same person.

Referee in case of need.

SECTION 1680e. The drawer of a bill and any indorser may insert thereon the name of a person to whom the holder may resort in case of need, that is to say, in case the bill is dishonored by non-acceptance or non-payment. Such person is called the referee in case of need. It is in the option of the holder to resort to the referee in case of need or not as he may see fit.

ACCEPTANCE.

Acceptance of bill.

SECTION 1680f. The acceptance of a bill is the signification by the drawee of his assent to the order of the drawer. The acceptance must be in writing and signed by the drawer. It must not express that the drawee will perform his promise by any other means than the payment of money.

NOTE—Acceptance is not revocable after negotiation. Thomas v. Thomas, 7 Wis. 403. It need not be in any particular form. The words: honored, seen, presented, acted, are sufficient, but merely taking notice of the bill are not. 4 Am. & Eng. Ency. 216.

IN WRITING.—See section 1680*k*. A Vermont statute required acceptance to be written, but where the drawer discounted the bill without accepting it, his acceptance was implied. Rutland Bk. v. Woodruff, 34 Vt. 89. So held also where the drawee wrote on the bill an order upon a third person to pay it. Harper v. West, 1 Cranch C. C. 192. Part payment, or payment to an unauthorized person, is not acceptance. Am & Eng. Ency. 224.

Acceptance in writing.

SECTION 1680g. The holder of a bill presenting the same for acceptance may require that the acceptance be written on the bill and if such request is refused, may treat the bill as dishonored.

Written acceptance on paper other than bill.

SECTION 1680h. Where an acceptance is written on a paper other than the bill itself, it does not bind the acceptor except in favor of a person to whom it is shown and who, on the faith thereof, receives the bill for value.

Promise in writing.

SECTION 1680i. An unconditional promise in writing to accept a bill before it is drawn is deemed an actual acceptance in favor of every person who, upon the faith thereof, receives the bill for value.

NOTE—This is the settled rule in this country. Am. & Eng. Ency., 235. The bill must be drawn within a reasonable time after such promise. Ibid., 236. It is sufficient that the bill to be

drawn be so designated that there can be no doubt that the particular one drawn was intended. Ibid. The bill must not vary from the authority in any material particular. Ibid., 243.

SECTION 1680j. The drawee is allowed twenty-four hours after presentment in which to decide whether or not he will accept the bill; but the acceptance if given dates as of the day of presentation.

Time allowed for acceptance.

SECTION 1680k. Where a drawee to whom a bill is delivered for acceptance destroys the same, or refuses within twenty-four hours after such delivery, or within such other period as the holder may allow, to return the bill accepted or non-accepted to the holder, he will be deemed to have accepted the same. Mere retention of the bill is not acceptance.

Refusal or failure to return.

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NOTES—See notes to sec. 1680f.

DESTRUCTION; REFUSAL TO RETURN.—Similar statutes have been construed to refer only to acts of a tortious nature, implying conversion, and not where the bill is left with the drawee by the holder, and no demand made for its return. Gates v. Eno, 4 Hun 96. Sands v. Matthews, 27 Ala., 399. Rousch v. Duff 35 Wis., 312.

SECTION 1680l. A bill may be accepted before it has been signed by the drawer, or while otherwise incomplete, or when it is overdue, or after it has been dishonored by previous refusal to accept, or by non-payment. But when a bill payable after sight is dishonored by non-acceptance and the drawee subsequently accepts it, the holder, in the absence of any different agreement, is entitled to have the bill accepted as of the date of the first presentment.

Acceptance before signing.

SECTION 1680m. An acceptance is either general or qualified. A general acceptance assents without qualification to the order of the drawer. A qualified acceptance in express terms varies the effect of the bill as drawn.

General or qualified acceptance.

NOTE—An acceptance to pay when due is general. Sylvester v. Staples, 44 Me., 496. So of an acceptance to pay if another person would not. Wilkinson v. Lutwidge, 1 Stra., 648. A conditional acceptance must be distinct and clear, or it will be construed to be general. 4 Am. & Eng. Ency., 225. Corbett v. Clark, 45 Wis., 403.

SECTION 1680n. An acceptance to pay at a particular place is a general acceptance unless it

General acceptance.

expressly states that the bill is to be paid there only and not elsewhere.

Qualified acceptance.

SECTION 1680o. An acceptance is qualified, which is:

1. Conditional, that is to say, which makes payment by the acceptor dependent on the fulfillment of a condition therein stated;

2. Partial, that is to say, an acceptance to pay part only of the amount for which the bill is drawn;

3. Local, that is to say, acceptance to pay only at a particular place;

4. Qualified as to time.

5. The acceptance of some one or more of the drawees, but not of all.

NOTE—CONDITIONAL.—Y, who had a contract with D to deliver the latter certain logs at an agreed price, made a draft on D in favor of H, which was accepted as follows: "Accepted July 15, 1880, payable according to a contract between Y and D, dated June 26, 1880, for the purchase of a lot of logs on Eau Claire, marked on ends 'F. W. Y.,' one half payable when lumber is sawed and put in pile, and one half on first day of October, A. D. 1880." Held, that the acceptance was conditional, and that upon the failure of Y to perform his contract, D was not liable on the acceptance beyond the sum found due from him to Y on a settlement between them. Haseltine v. Dunbar, 62 Wis., 162.

An acceptance to pay when in funds is qualified. 4 Am & Eng. Ency., 229, 230. So of acceptance to pay when lumber is run to market. Lamon v. French, 25 Wis. 37.

Refusal of qualified acceptance.

SECTION 1680p. The holder may refuse to take a qualified acceptance, and if he does not obtain an unqualified acceptance, he may treat the bill as dishonored by non-acceptance. Where a qualified acceptance is taken, the drawer and indorsers are discharged from liability on the bill, unless they have expressly or impliedly authorized the holder to take a qualified acceptance or subsequently assent thereto. When the drawer or indorser receive notice of a qualified acceptance, he must within a reasonable time express his dissent to the holder, or he will be deemed to have assented thereto.

PRESENTMENT FOR ACCEPTANCE.

SECTION 1681. Presentment for acceptance must be made: Where made.

1. Where the bill is payable after sight, or in any other case where presentment for acceptance is necessary in order to fix the maturity of the instrument; or

2. Where the bill expressly stipulates that it shall be presented for acceptance, or

3. Where the bill is drawn payable elsewhere than at the residence or place of business of the drawee.

In no other case is presentment for acceptance necessary in order to render any party to the bill liable.

SECTION 1681-1. Except as herein otherwise provided, the holder of a bill which is required by the next preceding section to be presented for acceptance must either present it for acceptance or negotiate it within a reasonable time. If he fail to do so, the drawer and all indorsers are discharged. Failure to present or negotia e.

NOTE—Unreasonable delay of a payee of a draft to present it o the drawee, or to notify the drawee of its non-acceptance or ion-payment, or to return it to the drawer as refused by the payee, nakes the paper the payee's own, and discharges the drawer. Alan v. Eldred, 50 Wis., 132.

E, being indebted to A, proposed to give him an order on X, and refused to receive it giving no reason except that he wanted the ioney. E then promised to send A a sixty-day draft, which A unerstood was to be on a bank. Six weeks thereafter A wrote to E sking the latter to send him a sixty-day draft for the amount ue, and E sent him a sixty-day draft on X. Without presenting is draft to X, returning it to E, or making any objection to it, kept it about a year, and then offered to return it, but E reised to receive it. It does not appear that X was unable to pay e draft at any time, or that E suffered any loss by the delay in esenting or returning it. Held, that these facts are not sufficient law to relieve A from the operation of the rule above stated, in e absence of any finding by the jury that E acted in bad faith sending the draft to A under the circumstances. Ibid.

The taking of an order drawn upon a third person for the iount of a previous indebtedness of the drawer to the payee is ima facie a payment of the debt, and is absolute payment if, the awee having funds to pay the order, the payee or holder fails to esent it for payment within a reasonable time to the drawer. ierl v. Baumel, 75 Wis., 69.

At the time of giving such an order and for a long time thereer the drawees were indebted to the drawer in an amount largely

in excess of the order, and at a subsequent settlement between them the amount of the order was credited to the drawees and charged to the drawer. Held, that this was equivalent to funds in their hands to pay the order. Ibid.

Failure to present such an order for payment or to give notice of its non-payment within a reasonable time, is not waived by a subsequent promise of the drawer to pay the order, unless such promise is made with knowledge of the facts. Ibid.

The burden of proving that the promise was made with such knowledge is upon the holder of the order, at least where it appears upon the trial that he was in fact guilty of laches before the promise was made. Ibid.

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When and where to be made.

SECTION 1681–2. Presentment for acceptance must be made by or on behalf of the holder at a reasonable hour, on a business day and before the bill is overdue, to the drawer or some person authorized to accept or refuse acceptance on his behalf; and

1. Where a bill is addressed to two or more drawees who are not partners, presentment must be made to them all, unless one has authority to accept or refuse acceptance for all, in which case presentment may be made to him only;

2. Where the drawee is dead, presentment may be made to his personal representative;

3. Where the drawee has been adjudged a bankrupt or an insolvent or has made an assignment for the benefit of creditors, presentment may be made to him or to his trustee or assignee.

Presentment of bill.

SECTION 1681-3. A bill may be presented for acceptance on any day on which negotiable instruments may be presented for payment under the provisions of sections 1678–2 and 1678–15.

NOTE—A delay in the mail is a sufficient excuse for delay to at once present a bill, and it may be done at once on receipt. Wait v. Blatchey, 6 Wis., 413.

Delay, when excusable.

SECTION 1681–4. Where the holder of a bill drawn payable elsewhere than at the place of business or the residence of the drawee has not time with the exercise of reasonable diligence to present the bill for acceptance before presenting it for payment on the day that it falls due, the delay caused by presenting the bill for acceptance before presenting it for payment is excused and does not discharge the drawers and indorsers.

SECTION 1681-5. Presentment for acceptance is excused and a bill may be treated as dishonored by non-acceptance, in either of the following cases:— Presentment, when excused.

1. Where the drawee is dead, or has absconded, or is a fictitious person or a person not having capacity to contract by bill.

2. Where, after the exercise of reasonable diligence, presentment cannot be made.

3. Where, although presentment has been irregular, acceptance has been refused on some other ground.

SECTION 1681-6. A bill is dishonored by non-acceptance,— When dishonored.

1. When it is duly presented for acceptance and such an acceptance as is prescribed by this act is refused or cannot be obtained; or

2. When presentment for acceptance is excused and the bill is not accepted.

SECTION 1681-7. When a bill is duly presented for acceptance and is not accepted within the prescribed time, the person presenting it must treat the bill as dishonored by non-acceptance or he loses the right of recourse against the drawer and indorsers. Recourse, when lost.

SECTION 1681-8. When a bill is dishonored by non-acceptance, an immediate right of recourse against the drawers and indorsers accrues to the holder and no presentment for payment is necessary. When recourse accrues.

PROTEST.

SECTION 1681-9. Where a foreign bill appearing on its face to be such is dishonored by non-acceptance, it must be duly protested for non-acceptance, and where such a bill which has not previously been dishonored by non-acceptance is dishonored by non-payment, it must be duly protested for non-payment. If it is not so protested, the drawer and indorsers are discharged. Where a bill does not appear on its face to be a foreign As to foreign bill. Sec. 1681—9 1901. c 41

bill, protest thereof in case of dishonor is unnecessary.

NOTE—TIME OF PROTEST.—Cannot be made until the bill is due. Stacy v. Dane Co. Bk., 12 Wis. 702. Welsh v. Dart, 12 Wis. 635.

Specifications of protest.

SECTION 1681-10. The protest must be annexed to the bill, or must contain a copy thereof, and must be under the hand and seal of the notary making it, and must specify:

1. The time and place of presentment;

2. The fact that presentment was made and the manner thereof;

3. The cause or reason for protesting the bill;

4. The demand made and the answer given, if any, or the fact that the drawee or acceptor could not be found.

NOTE—A protest stating that a note, describing it, had been "protested for non-payment," and that the holder looked to the indorser for payment, is sufficient. The word "protest" fairly implies the dishonor of the instrument. Such a notice substantially contains the following requisites: 1. Description of instrument. 2. Assertion of presentment and dishonor. 3. That the holder looks to the person to whom note is given for payment, etc. Brewster v. Arnold, 1 Wis., 264, 273.

A notarial certificate stating that a note or bill was protested, was presented for payment "at Montello," and payment demanded and refused, but not stating to whom or at what place in the town of Montello, does not show such a presentation to the maker as will charge indorsers. Duckert v. Lilenthal, 11 Wis., 55.

The words "Notice for W. W. (left at his house) Oshkosh" in the notary's certificate of service of notice of the dishonor of a note indicate that the notice was served by leaving it at the dwelling house of the person named. Adams v. Wright, 14 Wis., 442.

The omission to say "dwelling house" did not vitiate the certificate. Notaries are only to be held to reasonable certainty in the use of language. Ibid.

Neither is the certificate defective in not stating the hour of the day when the notice was left, or with whom it was deposited whether a member of the family or other person, or the particular circumstances attending the service, or that the indorser was absent. Ibid.

A notice of protest of a note payable at the banking office of a bank and indorsed by it, addressed to J. S. H. Pres't, describing the note by its amount, date, time of payment and the name of the maker, and stating that the note has been dishonored and the holder looks to you for payment, left at the banking office of said bank in due time, is sufficient to charge it as such indorser. Ib. Aiken v. Marine Bk., 16 Wis., 713.

A notice of protest is sufficient if it conveys the necessary information; and mistakes of description and inaccuracies do not vitiate it, if the person to be notified could not have been misled by it. Ibid.

When a note payable at the banking office of a bank is indorsed by it, and is presented there at maturity and payment demanded

of the proper agent of the bank, which is refused, query whether a formal notice of protest to the bank is necessary in order to charge it as such indorser. Ibid.

A notice of the protest of a note is sufficient if it contains a true description of the note and states that it has been presented at maturity and dishonored, and that the holder looks to the indorser for payment. Glicksman v. Early, 78 Wis., 223.

SECTION 1681–11. Protest may be made by,— How made.

1. A notary public; or

2. By any respectable resident of the place where the bill is dishonored, in the presence of two or more credible witnesses.

SECTION 1681–12. When a bill is protested, such protest must be made on the day of its dishonor, unless delay is excused as herein provided. When a bill has been duly noted, the protest may be subsequently extended as of the date of the noting. When made.

SECTION 1681–13. A bill must be protested at the place where it is dishonored, except that when a bill drawn payable at the place of business, or residence of some person other than the drawee, has been dishonored by non-acceptance, it must be protested for non-payment at the place where it is expressed to be payable, and no further presentment for payment to, or demand on, the drawee is necessary. Where made.

SECTION 1681–14. A bill which has been protested for non-acceptance may be subsequently protested for non-payment. For non-payment.

SECTION 1681–15. When the acceptor has been adjudged a bankrupt or an insolvent or has made an assignment for the benefit of creditors, before the bill matures, the holder may cause the bill to be protested for better security against the drawer and indorsers. When acceptor a bankrupt.

SECTION 1681–16. Protest is dispensed with by any circumstances which would dispense with notice of dishonor. Delay in noting or protesting is excused when delay is caused by circumstances beyond the control of the holder and not imputable to his default, misconduct or negligence. When the cause of delay ceases to ope- When dispensed with.

rate, the bill must be noted or protested with reasonable diligence.

Lost bill.

SECTION 1681–17. Where a bill is lost or destroyed or is wrongly detained from the person entitled to hold it, protest may be made on a copy or written particulars thereof.

ACCEPTANCE FOR HONOR.

Acceptance supra protest, for honor.

SECTION 1681–18. Where a bill of exchange has been protested for dishonor by non-acceptance or protested for better security and is not overdue, any person not being a party already liable thereon may, with the consent of the holder, intervene and accept the bill supra protest for the honor of any party liable thereon or for the honor of the person for whose account the bill is drawn. The acceptance for honor may be for part only of the sum for which the bill is drawn; and where there has been an acceptance for honor for one party, there may be a further acceptance by a different person for the honor of another party.

To be in writing.

SECTION 1681–19. An acceptance for honor supra protest must be in writing and indicate that it is an acceptance for honor, and must be signed by the acceptor for honor.

For drawer, when.

SECTION 1681–20. Where an acceptance for honor does not expressly state for whose honor it is made, it is deemed to be an acceptance for the honor of the drawer.

Liability of acceptor.

SECTION 1681–21. The acceptor for honor is liable to the holder and to all parties to the bill subsequent to the party for whose honor he has accepted.

Engagement of acceptor for honor.

SECTION 1681–22. The acceptor for honor by such acceptance engages that he will on due presentment pay the bill according to the terms of his acceptance, provided it shall not have been paid by the drawee, and provided also, that it shall have been duly presented for payment and protested for non-payment and notice of dishonor given to him.

SECTION 1681-23. Where a bill payable after sight is accepted for honor, its maturity is calculated from the date of the noting for non-acceptance and not from the date of the acceptance for honor. Bill payable after sight.

SECTION 1681-24. Where a dishonored bill has been accepted for honor supra protest or contains a reference in case of need, it must be protested for non-payment before it is presented for payment to the acceptor for honor or referee in case of need. Acceptance of dishonored bill.

SECTION 1681-25. Presentment for payment to the acceptor for honor must be made as follows:— Presentment to acceptor, how made.

1. If it is to be presented in the place where the protest for non-payment was made, it must be presented not later than the day following its maturity.

2. If it is to be presented in some other place, than the place where it was protested, then it must be forwarded within the time specified in section 1678-34.

SECTION 1681-26. The provisions of section 1678-11 apply where there is delay in making presentment to the acceptor for honor or referee in case of need.

SECTION 1681-27. When the bill is dishonored by the acceptor for honor it must be protested for non-payment by him.

PAYMENT FOR HONOR.

SECTION 1681-28. Where a bill has been protested for non-payment, any person may intervene and pay it supra protest for the honor of any person liable thereon for the honor of the person for whose account it was drawn. Payment supra protest.

SECTION 1681-29. The payment for honor supra protest in order to operate as such and not as a mere voluntary payment must be attested by a notarial act of honor which may be appended to the protest or form an extension to it. Notarial act of honor, when necessary.

Foundation of notarial act.

SECTION 1681-30. The notarial act of honor must be founded on a declaration made by the payer for honor or by his agent in that behalf declaring his intention to pay the bill for honor and for whose honor he pays.

Different parties.

SECTION 1681-31. Where two or more persons offer to pay a bill for the honor of different parties, the person whose payment will discharge most parties to the bill is to be given the preference.

Bill paid for honor.

SECTION 1681-32. Where a bill has been paid for honor, all parties subsequent to the party for whose honor it is paid are discharged, but the payer for honor is subrogated for, and succeeds to, both the rights and duties of the holder as regards the party for whose honor he pays and all parties liable to the latter.

Holder's refusal, supra protest.

SECTION 1681-33. Where the holder of a bill refuses to receive payment supra protest, he loses his right of recourse against any party who would have been discharged by such payment.

Payer for honor.

SECTION 1681-34. The payer for honor, on paying to the holder the amount of the bill and the notarial expenses incident to its dishonor, is entitled to receive both the bill itself and the protest.

BILLS IN A SET.

When one bill.

SECTION 1681-35. Where a bill is drawn in a set, each part of a set being numbered and containing a reference to the other parts, the whole of the parts constitutes one bill.

Where parts are negotiated.

SECTION 1681-36. Where two or more parts of a set are negotiated to different holders in due course, the holder whose title first accrues is as between such holders the true owner of the bill. But nothing in this section affects the rights of a person who in due course accepts or pays the part first presented to him.

Indorsement to different parties.

SECTION 1681-37. Where the holder of a set indorses two or more parts to different persons

he is liable on every such part, and every indorser subsequent to him is liable on the part he has himself indorsed, as if such parts were separate bills.

Acceptance on any part.

SECTION 1681-38. The acceptance may be written on any part and it must be written on one part only. If the drawee accepts more than one part, and such accepted parts are negotiated to different holders in due course, he is liable on every such part as if it were a separate bill.

Liability of acceptor in paying part.

SECTION 1681-39. When the acceptor of a bill drawn in a set pays it without requiring the part bearing his acceptance to be delivered up to him, and that part at maturity is outstanding in the hands of a holder in due course, he is liable to the holder thereon.

When whole bill is discharged.

SECTION 1681-40. Except as herein otherwise provided where any one part of a bill drawn in a set is discharged by payment or otherwise the whole bill is discharged.

DAMAGES ON BILLS.

Rate of damages within state.

SECTION 1682. Whenever any bill of exchange drawn or indorsed within this state and payable without the limits of the United States shall be duly protested for non-acceptance or non-payment the party liable for the contents of such bill shall, on due notice and demand thereof, pay the same at the current rate of exchange at the time of the demand and damages at the rate of five per cent. upon the contents thereof, together with interest on the said contents, to be computed from the date of the protest; and said amount of contents, damages and interest shall be in full of all damages, charges and expenses.

Rate of damages without state.

SECTION 1683. If any bill of exchange drawn upon any person or corporation out of this state, but within some state or territory of the United States, for the payment of money shall be duly presented for acceptance or payment and protested for non-acceptance or non-payment the drawer or indorser thereof, due notice being

given of such non-acceptance or non-payment, shall pay said bill with legal interest according to its tenor and five per cent. damages, together with costs and charges of protest.

PROMISSORY NOTES AND CHECKS.

Negotiable notes defined.

SECTION 1684. A negotiable promissory note within the meaning of this act is an unconditional promise in writing made by one person to another signed by the maker engaging to pay on demand, or at a fixed or determinable future time a sum certain in money to order or to bearer. Where a note is drawn to the maker's own order, it is not complete until indorsed by him.

Check.

SECTION 1684-1. A check is a bill of exchange drawn on a bank, payable on demand. Except as herein otherwise provided, the provisions of this act applicable to a bill of exchange payable on demand apply to a check.

Presentation of check.

SECTION 1684-2. A check must be presented for payment within a reasonable time after its issue or the drawer will be discharged from liability thereon to the extent of the loss caused by the delay.

NOTE—Notice necessary. 18 Wis., 397. But no protest, 36 Wis., 149. On distant bank, must be sent by the close of business the next day after its receipt, or by the last mail. Lloyd v. Osborne, Wis., 93. Where drawer and drawee live in the same place, presentment must be made by the close of the banking hours on the next business day. Grange v. Reigh, 93 Wis. 552.

Where the payee presented the check on the next business day after receiving it, and on the next succeeding day notified the drawer of its dishonor and of his liability thereon, this is held due diligence, in the absence of any proof that the drawer was injured by the delay; especially as it appears that when the check was given the drawee had already suspended payment. Jones v Heiliger, 36 Wis., 149.

It will not be inferred that such delay in presentation and notice injured the drawer by causing a delay of legal proceedings on his part, where he appears not to have proceeded for the residue of his account with the drawee. Ibid.

No protest for non-payment of a check being necessary to fix the liability of the drawer, the fact that the check in this case was protested several days after presentment, and notice of dishonor given, is immaterial. Ibid.

Delay to present a bank check until the failure of the bank, ten days after its receipt, held negligence which would have discharged the drawers if they had left funds in the bank until that time, to meet the check. Kinyon v. Stanton, 44 Wis., 479.

But where the drawers drew out their entire account in the bank before its failure, they are liable to protect the check; and this, though the bank would probably have paid it at any time before the day of the failure, and although its assignee (under the federal bankruptcy act) recovered from the drawers the money drawn out by them on that day. Ibid. Dousman v. New Richmond, in 88 Wis. [See Gifford v. Hardell, in 88 Wis., 538.]

B, a resident of the village of Waukesha, having, through the whole time here in question, funds subject to his check, in the hands of O. M. T., a private banker in said village, erased from a blank check upon the First National Bank, of Milwaukee, the words "First National" and wrote over them the name of O. M. T., neglecting to erase the words "Bank of Milwaukee;" and dated and signed the check, inserting the sum to be paid and the name of W as payee and delivered it to W, who was a resident of said village and known to O. M. T. W soon after sold the check to plaintiff, a resident of the same village, who had done business there for six years, had a store within a few rods of O. M. T.'s bank, and had sometimes transacted banking business at the same. Nine days after the date of the check, and about a week after plaintiff became the holder, O. M. T. suspended payment, and the check which had not previously been presented to him, though afterwards presented by the payee, was never paid. In an action by the holder against the drawer, where the former claimed that the check was false and fictitious because there was no such bank as that named therein, while defendant claimed that the non-payment was caused by plaintiff's negligence; Held, That the drawee of the check should probably be regarded as sufficiently certain from the face of the instrument itself, and the unerased words "Bank of Milwaukee" as coming within the principle, *falsa demonstratio non nocet.* (2) That if that be doubtful, the above facts show that both W. and the plaintiff had full knowledge of who the drawee was, and of his place of business, in time to have obtained a payment of the check on presentation to him, and both were guilty of laches sufficiently to defeat the action. Cork v. Bacon, 45 Wis., 192.

Questions put to W. on his direct examination by defendant, inquiring whether he knew O. M. T.'s bank and place of business, when he took the check; whether he had previously received from defendant any similar check, payable at the same bank; whether O. M. T. ever paid to him money on any such check; whether he informed plaintiff, when he passed to him the check in suit, whom and what bank it was drawn upon; and whether he (witness) knew, when he took said check, where it was payable—were improperly ruled out. Ibid.

SECTION 1684-3. Where a check is certified by the bank on which it is drawn, the certification is equivalent to an acceptance. Certified check.

NOTE—The rule as to due care is [in] the presentation of a check drawn on a bank at a distant point is satisfied if the check is forwarded by the last mail of the day after its receipt and is presented at any time before the close of business on the day succeeding its receipt at the place of business of the drawee bank. Lloyd v. Osborne, 92 Wis., 93.

In the absence of any evidence as to when the hours of business closed according to the custom of banks in a certain city, it cannot be assumed that they close as early as 3 P. M., the hour when a bank at that place suspended business. Ibid.

The payee of a check had been in the habit of receiving letters from the drawers and others through the post office at N. though he lived and had his place of business at S, a few miles distant, to which latter place, by his direction, such letters were forwarded by the postmaster at N in the regular course of the mails. The check was addressed to him at N and was received there and forwarded to him at S in due course. Held, that, with reference to the rule requiring diligence in the presentation of the checks, he was not chargeable until it arrived at S. Ibid.

Discharge of liability of drawer and indorsers.

SECTION 1684-4. Where the holder of a check procures it to be accepted or certified the drawer and all indorsers are discharged from liability thereon.

Check not assignment of funds.

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SECTION 1684-5. A check of itself does not operate as an assignment of any part of the funds to the credit of the drawer with the bank, and the bank is not liable to the holder, unless and until it accepts or certifies the check.

NOTE—As between the drawer of a check and the holder thereof for value, the former having a deposit in the bank sufficient to pay the same, there is an equitable assignment of such fund to the amount of the check, and the drawer cannot arbitrarily stop its payment. Pease v. Landauer, 63 Wis., 20.

OTHER PROVISIONS.

Notes no part of chapter.

SECTION 1684-6. The notes to the foregoing sections of this chapter shall be no part of this chapter, but may be resorted to for purposes of construction and interpretation. The secretary of state shall, in preparing the session laws of 1899, print such notes in connection with the sections to which they apply.

Sections repealed.

SECTION 2. Sections 176, 1675, 1676, 1677, 1678, 1679, 1680, 1681, 1682, 1683 and 1684, of the statutes of 1898 are hereby repealed. Sections 1944, 1945, 4143, 4194, 4425 and 4458 of said statutes are not affected by this act, and nothing herein shall be deemed to repeal any part of such sections. All other provisions inconsistent with this chapter are repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 5, 1899.

No. 16, S.] [Published May 15, 1899.

CHAPTER 357.

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See 05 c 486

AN ACT to prohibit the use of any free pass or frank, or privilege withheld from any person, for the traveling accommodation or transportation of any person or property or the transmission of any message or communication.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. No person, association, co-partnership, or corporation, shall offer, or give, for any purpose, to any political committee, or any member or employee thereof, to any candidate for, or incumbent of any office or position under the constitution or laws, or under any ordinance of any town or municipality, of this state, or to any person at the request or for the advantage of all or any of them, any free pass or frank, or any privilege withheld from any person, for the traveling accommodation or transportation of any person or property, or the transmission of any message or communication. Use of franks, passes etc., prohibited.

SECTION 2. No political committee, and no member or employee thereof, no candidate for and no incumbent of any office or position under the constitution or laws, or under any ordinance of any town or municipality, of this state, shall ask for, or accept, from any person, association, copartnership, or corporation, or use in any manner, or for any purpose, any free pass or frank, or any privilege withheld from any person, for the traveling accommodation or transportation, of any person or property, or the transmission of any message or communication. Requests for, prohibited.

SECTION 3. Any violation of any of the above provisions shall be punished by imprisonment in the state prison not more than five years nor Penalty for violation.

less than one year, or by fine not exceeding one thousand dollars, nor less than two hundred dollars.

Giving of testimony.

SECTION 4. No person, and no agent or officer of any corporation within the purview of this act shall be privileged from testifying in relation to anything therein prohibited; and no person having so testified shall be liable to any prosecution or punishment for any offense concerning which he was required to give his testimony or produce any documentary evidence.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved May 3, 1899.

MEMORIALS AND JOINT RESOLUTIONS.

[No. 2, S.]

MEMORIAL NO. 1.

For an amendment to the Constitution of the United States to give to congress concurrent jurisdiction with the several states for the suppression of trusts and other combinations to control production, stifle competition and to regulate for their own benefit the price of products and the wages of labor.

The Memorial of the legislature of Wisconsin to the congress of the United States,

Respectfully shows that in the opinion of the legislature the multiplicity and growing power of trusts and other combinations of capital, for the purpose of controlling the markets for various products, including the necessaries of life, is not only a menace to the interests of the people, but is the cause of wide-spread popular discontent. The evil is almost universally admitted, as is the difficulty of devising methods for its eradication. The congress is limited in its legislation to subjects confessedly within the federal jurisdiction. There is, in the nature of things, no uniformity in the legislation of the states upon the subject. Indeed, some of the states, it is believed, are entirely without adequate legislation for the protection of their citizens in this respect. The act passed by congress some years ago has been pronounced by the attorney generals of the United States to be inadequate. The great trust or combination prosecuted in one state, by legislative investigation or otherwise, seeks and finds refuge in another. It is believed that

the only sure remedy for this evil will be found in giving to congress of the United States power to legislate upon the subject, to provide for civil suits in the name of the United States and in the courts of the United States, and for such criminal prosecutions as may be found necessary, even if these corporations are state corporations, and even if they adopt devices, as they have in the past, to carry on their large commerce, keeping technically beyond the pale of interstate commerce, and the federal jurisdiction.

It is not the purpose of this memorial to ask that any state be deprived of jurisdiction which it now possesses in this behalf, but it is respectfully prayed that there shall be promptly submitted to the legislatures of the respective states an amendment to the constitution of the United States which shall give congress full and complete concurrent jurisdiction to enact legislation for the suppression of this evil, regardless of state lines.

Resolved, that the governor be, and he is hereby, requested to transmit a copy of this memorial to the president of the senate, and to the speaker of the house of representatives, and to each of the senators and representatives from the state of Wisconsin.

[No. 1, A.]

MEMORIAL NO. 2.

?etitioning United States congress to legislate in favor of American shipping.

To the honorable senate and house of representatives of the United States of America, assembled:

Whereas, Our American merchant marine during the ast forty years has so declined that at the present time ess than ten per cent. of our exports are carried abroad nder our own flag, instead of ninety per cent. being so carried, as was the fact at the beginning of this period, and

Whereas, Our iron and steel industries have reached uch a stage of development that we can now furnish the aw material for ship-building at as low a cost as any na-on, and

Whereas, The state of Wisconsin is dependent upon for-ign markets for the disposition of its surplus grain, stock, nd dairy products, therefore be it

Resolved, That for the benefit of our farmers, miners, nd manufacturers and for the prosperity of our whole ate, as well as the nation, we hereby petition Congress ow in Washington assembled to speedily enact such laws s will give Americau shipbuilders and American steam-hip owners such encouragement as to cause them to build nd maintain such a merchant marine as will successfully ompete with all foreign nations for the carrying trade on e high seas and be an honor to our nation.

Resolved, that the governor is requested immediately to ansmit a copy of this memorial to the president of the nited States, to the presiding officers of the senate and ouse of representatives, and to our Wisconsin senators nd representatives in congress.

[No. 13, S.]

MEMORIAL NO. 3.

Whereas, the people of the state of Wisconsin are unitedly opposed to the practice of polygamy, deeming it a blot upon the civilization of our country; and

Whereas, it appears that one Roberts, who is alleged to be an avowed polygamist, is seeking to obtain a seat in Congress as a Representative from Utah;

Resolved by the Senate, the Assembly concurring, that we protest against the admission of any polygamist as a member of Congress and we urge our Representatives there to use their best efforts, by their voices and votes, to defeat the seating of any such person.

[No. 2, A.]

MEMORIAL NO. 4.

Relating to service pensions.

Resolved by the asembly, the senate concurring, that the senators and representatives of the state of Wisconsin in the national congress, be requested to favor and assist in securing a fair and liberal service pension to every union soldier and sailor veteran of the civil war, not already a pensioner, regardless of any disability accruing from said service or since, whenever said soldier shall have arrived at the age of sixty-two years.

[No. 3, A.]

MEMORIAL NO. 5.

Asking a repeal of duty on hides.

Whereas, that prior to the enactment, by the congress of the United States of the so-called Dingley bill, industries known as hemlock sole leather tanneries, furnishing employment for a large number of our fellow citizens, and involving a large amount of capital, have reached large magnitudes in the northern part of Wisconsin; and,

Whereas, all the hides for the use of said tanneries were and are, necessarily imported; and,

Whereas, for the first time in the history of said industries, the so-called Dingley bill placed a tariff upon such imported hides, and that owing to such tariff duties, such industries in Taylor county alone, have necessarily paid in taxes on imported hides, in the short space of eighteen months, from July 24, 1897 to January 31, 1899, the enormous sum of two hundred eighty-three thousand and eight hundred dollars; and,

Whereas, such industries in said Taylor county, Wisconsin, cannot longer pay said tax and survive as such industries; therefore,

Be it resolved by the assembly, the senate concurring, that it is the sense and desire of the legislature of the state of Wisconsin, that that portion of the Dingley bill which levies an import duty upon imported hides be repealed.

Resolved further, that our senators and representatives in congress are hereby requested to use their influence to the end that the said industries may be speedily relieved from said burden.

[No. 5, A.]

MEMORIAL NO. 6.

Requesting the establishment of a national park on Minnesota and Wisconsin points.

To the Honorable Senate and House of Representatives of the Congress of the United States:

Whereas, the government of the United States has already reserved a small tract of land as a military reserve upon Wisconsin Point, entirely inadequate for such purpose and,

Whereas, the two strips of land known as Minnesota Point and Wisconsin Point, situated in the states of Minnesota and Wisconsin respectively, are peculiarly adapted for the purposes of a national park and life-saving station convertible in case of emergency into military and naval stations, and,

Whereas, such points constitute a natural breakwater, protecting the harbors of Superior and Alloues Bay, and which is now protected and maintained by the general government in the interests of navigation, and which could be more effectually and economically maintained as such breakwater under the ownership of the government and,

Whereas, a great portion of said points can now be acquired by the national government with little trouble or expense. Now therefore,

Resolved by the assembly, the senate concurring, that the congress of the United States is hereby respectfully urged and requested to take such action, as soon as may be, as will accomplish the purposes herein set forth.

Resolved further, that the governor be and he is hereby requested to transmit copies of this memorial to the president of the senate, the speaker of the house of representatives, to each of our representatives in congress, and to the secretary of war, respectively.

[No. 9, S.]

JOINT RESOLUTION NO. 1.

Proposing to amend section 10, of article 8, of the constitution of Wisconsin, relating to good roads.

Resolved, bv the Senate, the Assembly concurring. That section 10 of article 8 of the constitution of Wisconsin, be amended by adding thereunto the following:

The state may however, appropriate money to be raised by taxation and not in anywise to constitute a public debt, to be used in the construction or improvement of public highways, such construction or improvement to be made in the manner provided by law.

[No. 28, S.]

JOINT RESOLUTION NO. 2.

Whereas; the Secretary of the Navy has asked the Congress for authority to build three armored cruisers for service in the navy and

Whereas, most of the greater cities of the United States re represented among the ships of the new navy, therefore be it

Resolved, by the Assembly and the Senate of the State of Visconsin that the senators and representatives of the state of Wisconsin in the Congress of the United States be nd are hereby requested to present to the Secretary of the Navy as a suitable name for one of these armored cruisers, he name of the metropolis of our state, Milwaukee, and urthermore be it

Resolved, that a copy of this resolution be forwarded to ach of the representatives and senators of the State of Visconsin in the Congress of the United States immediately upon its adoption.

[No. 6, S.]

JOINT RESOLUTION NO. 3.

Whereas, since the last session of the Legislature, death has removed from our midst, Alfred W. Newman, one of our most beloved judges of the Supreme Court of this state; therefore,

Resolved, by the Senate, the Assembly concurring, that in the death of this eminent citizen the state of Wisconsin sustains the loss of one of her noblest sons, and justice one of its most distinguished defenders. As a citizen he commanded the highest respect of all who knew him, as a friend he was loved and respected by all, as a jurist he had the courage of his conviction, based on careful investigation of the question submitted for his consideration. Never can his place be filled by a more honest, faithful, manly man. His service as a circuit judge has established confidence in the Circuit Courts of that district. As Judge of the Supreme bench, he reflected honor upon the court and state, for in his high character, his loyalty to duty, his kindness of heart, he exemplified the nobility frankness and dignity of the high calling of Judge.

Resolved, that we tender to the bereaved family of the honored dead our most earnest expression of sympathy, assuring them that all the people of Wisconsin mourn with them the loss of one so universally respected.

Resolved, that a copy of these resolutions, signed by the presiding officers and clerks of the Senate and Assembly, be presented to the family of Judge Newman.

[No. 22, S.]

JOINT RESOLUTION NO. 4.

Whereas, the funeral of the late Hon. John T. Kingston, r., ex-member of the Wisconsin Senate, and corporal of ›mpany "L" Second Regiment Infantry, Wisconsin Volnteers, in the war with Spain, who died at Coamo, Porto ico, August twenty-sixth, 1898, will be held this afterɔon at Necedah, Wisconsin; therefore, be it

Resolved, by the Senate, the Assembly concurring, that e hereby express our appreciation of the distinguished ıtriotism and self sacrifice of the deceased, who, at the ıll of his country, from his position of high trust and reɔect in the community of his residence, volunteered as a 'ivate, and yielding to the hardships and privations of at service laid down his life for his country's sake; and at we extend to his family our sincerest sympathy and ndolence, and as a token of respect that we do now adurn, be it further,

Resolved, that this resolution be spread upon the journal the senate and that an engrossed and certified copy of the me be transmitted to the family of the late ex-senator d corporal, John T. Kingston, Jr.

[No. 52, S.]

JOINT RESOLUTION NO. 5.

Whereas, An Allwise Providence has removed from the busy scenes of life to the beautiful beyond, one of Wisconsin's noblest sons, the Hon. John T. Kingston, of Neeedah, Wisconsin, a man who has served his people long, faithfully and well, both as public officer and private citizen, who has served his district five terms in the senate and three terms as member of the assembly discharging his duty with credit to himself and honesty to his consitiuents, who has won the esteem and confidence of all who knew him, and being desirous of testifying to his worth and the esteem in which he is held by his colleagues in his official life, therefore be it

Resolved, by the Senate the Assembly concurrng, that in the death of Mr. Kingston, the state has lost a just and upright citizen whose record in official and private life was without blemish, and whose service to the state was of the most valuable character, and be it further

Resolved, that a copy of these resolutions be suitably engrossed and forwarded to the family of the deceased.

[No. 53, S.]

JOINT RESOLUTION NO. 6.

Whereas, since the convening of the Legislature, death has summoned from our midst, Ex-Justice S. U. Pinney, who departed this life on the first day of April, 1899, therefore be it

Resolved, by the Senate, the Assembly concurring, that in the death of this eminent citizen, the State of Wisconsin sustains the loss of one of her noblest sons, and the country one of its best jurists. His services as a lawyer have brought credit to the profession and help to many deserving citizens. His work as a Justice of the Supreme Court has given to the bench honor and to the state wisdom. Justice has been rendered to the people and right has prevailed, for in his high character and winning personality he has exemplified the nobility, frankness and honesty, worthy of an eminent jurist.

Resolved, that we tender the bereaved family of the honored dead our most earnest expression of sympathy, assuring them that all the people of Wisconsin mourn with them the loss of one universally loved and respected.

Resolved, that a copy of these resolutions signed by the presiding officers and clerks of both houses be presented to the family of Judge Pinney.

[No. 30, S.]

JOINT RESOLUTION NO. 7.

Whereas, through an over ruling Providence the Hon. James Conklin, a person especially recognized and admired for his rugged and sterling integrity and for his high appreciation of the moral obligatons eixsting between men has been suddenly removed from our midst and,

Whereas, during his long and honorable career in this state he has served as mayor and post-master of his city and as state senator with such fidelity and marked ability as to guard well the best interests of the people and to reflect great credit and honor upon himself, therefore be it

Resolved by the Senate the Assembly concurring that in his death the state has lost a valuable, honest and noble citizen and that in recognition of his worth both in a private and public capacity the legislature of the state place on record this testimonial to his memory.

Resolved, that a copy of these resolutions be suitably engrossed and forwarded to the family of the deceased.

[No. 12, S.]

JOINT RESOLUTION NO. 8.

Proposing an amendment to Article XIII of the Constitution of the State of Wisconsin to prohibit the pass system.

Resolved by the Senate, the Assembly concurring, that rticle XIII of the Constitution be amended by adding a ew section, to be numbered and to read as follows: Sec-

tion 11. No person, association, co-partnership, or corporation, shall promise, offer, or give, for any purpose, to any political committee, or any member or employee thereof, to any candidate for, or incumbent of any office or position under the constitution or laws, or under any ordinance of any town or municipality, of this state, or to any person at the request or for the advantage of all or any of them, any free pass or frank, or any privilege withheld from any person, for the travelling accommodation or transportation of any person or property, or the transmission of any message or communication.

No political committee, and no member or employee thereof, no candidate for and no incumbent of any office or position under the constitution or laws, or under any ordinance of any town or municipality of this state, shall ask for, or accept, from any person, association, co-partnership, or corporation, or use, in any manner, or for any purpose, any free pass or frank, or any privilege withheld from any person, for the travelling accommodation or transportation of any person or property, or the transmission of any message or communication.

Any violation of any of the above provisions shall be bribery and punished as provided by law, and if any officer or any member of the legislature be guilty thereof, his office shall become vacant.

No person within the purview of this act shall be privileged from testifying in relation to anything therein prohibited; and no person having so testified shall be liable to any prosecution or punishment for any offense concerning which he was required to give his testimony or produce any documentary evidence.

The railroad commissioner and his deputy in the discharge of duty are excepted from the provisions of this amendment.

Approved April 13, 1899.

[No. 27, S.]

JOINT RESOLUTION NO. 9.

Whereas, in obedience to the call of the President upon the Executive of this state for soldiers to fill Wisconsin's quota to engage in the Spanish War, and a quick and hearty response was made by all the people of the state, to aid the general government, from a most patriotic standpoint, in prosecuting the war to an early and victorious conclusion, and

Whereas, Edward Scofield, Governor of the State of Wisconsin, manifested consummate ability in utilizing the National Guard, and in re-organizing the regiments constituting the same, with a body of men well fitted and well equipped to advance to the front, with such energy and success, that no delay was occasioned in discharging all the obligation of our state to the National Government, and

Whereas, the regiments of the National Guard, with patriotism and unbounded enthusiasm filled up their ranks and hastened to perform a new duty which devolves upon every citizen of this Republic, and

Whereas, the promptness, regularity and energy, which inspired these efforts on the part of the Governor and his principal staff officers, as well as on the part of those constituting the regiments and the good conduct and gallant services rendered under all the circumstances surrounding their duties, makes it eminently fit and proper that recognition be made of the same on the part of the people of the state, through the medium of its legislature therefore be it

Resolved, by the Senate, the Assembly concurring, that the thanks of this legislature, in its representative capacity including the people of the state, be extended to Governor Edward Scofield for the faithful, untiring and valuable services which he rendered in his official capacity to the cause which inspired these war-like demonstrations.

Also that the patriotic citizens of the state, who left the factory, the farm and the field, the counting rooms and the offices, and so heorically faced the hardships, privations and dangers of camp and field, are equally and emphat

ically included in this resolution, expressive of the gratitude and thanks of all the people of our Commonwealth.

That while we rejoice in and point with pride to the decisive and glorious victories won by our army and navy, we do not forget the self-sacrificing brave boys who fell on the field of battle or skirmish line, or subsequently died of disease or wound.

That their names be inscribed among the honored heroes of our nation and ever held in sacred memory by the citizens of this state.

That to those of our fellow citizens who are now clad in the habiliments of mourning on account of the sacrifice they have been called upon to make for their country and in behalf of the extension of American liberty and civilization, we extend the sincere and heartfelt sympathy of a grateful people.

That an engrossed copy of this resolution be presented to Governor Scofield. Also that an engrossed copy be presented to the Adjutant-General of the State.

[No. 6, S.]

JOINT RESOLUTION NO. 10.

Whereas, the Senate of the state of Wisconsin having earned of the recent death of Ex-Senator George W. Pratt, f Oshkosh, for five years senator from the nineteenth district of Wisconsin and being desirous of testifying to the orth and esteem in which he was held by his colleagues i official life.

Resolved, by the Senate that in the death of Ex-Senator ratt the state has lost a just and upright citizen whose cord in official life was without blemish and whose serces to the state were of the most useful character, and be further

Resolved, That a copy of these resolutions be suitably grossed and forwarded to the family of the deceased.

[No. 11, S.]

JOINT RESOLUTION NO. 11.

Whereas, it has come to the knowledge of this body that E. W. Persons, of DePere, Brown county, an honored member of the Wisconsin Senate during the terms of 1889-1891, died at Phoenix, Arizona, on Monday, February 13, 1899; therefore be it

Resolved, that, while we bow in submission to the Supreme Ruler, we hereby express our regrets at the loss of an esteemed citizen of the state, and that we extend to the family of the deceased our sincere sympathy and condolence; be it further

Resolved, that this resolution be spread upon the journal of the senate, and that an engrossed and certified copy thereof be transmitted to the family of the late Senator E. W. Persons, and be it further

Resolved, that as a token of respect we do now adjourn.

[No. 36, A.]

JOINT RESOLUTION NO. 12.

Whereas, this body has heard with sorrow of the death of one of Wisconsin's foremost citizens, Major D. C. Fulton, who ably served the state and nation as a member of this assembly and as major of the 30th Wis. Infantry during the civil war and in other state and national positions; and who by his private benevolences and his business integrity has endeared himself to all, therefore, be it

Resolved by the Assembly, the Senate concurring, that the State of Wisconsin has lost in him a man of such large usefulness that it is proper that this Legislature take public notice of his death.

Resolved further, that these resolutions be enrolled and a copy thereof, signed by the proper officials, forwarded to the sorrowing wife and family to whom we tender our deepest sympathy in their great bereavement.

[No. 16, A.]

JOINT RESOLUTION NO. 13.

Proposing an amendment to article 11 of the constitution of Wisconsin, giving the legislature power to pass a general banking law.

Resolved by the Assembly and the Senate concurring, That article 11 of the constitution of the state of Wisconsin be and is hereby amended, by substituting for sections 4 and 5 thereof, a new section to be known as section 4 and reading as follows:

Section 4. The legislature shall have power to enact a general banking law for the creation of banks, and for the regulation and supervision of the banking business, provided that the vote of two-thirds of all the members elected to each house, to be taken by yeas and nays, be in favor of the passage of such law.

Approved April 20, 1899.

[No. 59, S.]

JOINT RESOLUTION NO. 14.

Whereas, during the Spanish-American war, the sick of the Second and Third Regiments, Wisconsin Volunteers, were cared for in various hospitals and cities, before leaving the United States and after their arrival in New York from Porto Rico, and,

Whereas, among those who were untiring in their efforts to relieve the suffering, Miss Helen M. Gould of New York city, devoted her entire time for months to the needs of the sick, receiving some into her own home, ministering to many in the hospitals, and doing all in her power to take care of the sick, thus saving many lives; therefore be it

Resolved by the Senate, the Assembly concurring, that in behalf of the men of the regiments and their relatives

and friends, and in the name of the people of Wisconsin, we thank Miss Helen M. Gould and assure her that her kindness to and care of Wisconsin soldiers will long be remembered by the people of this state; and be it further

Resolved, that a copy of these resolutions, properly engrossed, be forwarded by the Governor to Miss Helen M. Gould.

[No. 25, S.]

JOINT RESOLUTION NO. 15.

Whereas, the commissioners appointed by the Governor, under the authority of the last Legislature, to investigate and report upon the best methods of prison labor employment in their report just submitted to this legislature recommended among other things strongly in favor of the adoption of what is known as the "New York State Law" which provides for the manufacture of wares and articles used in the penal and other institutions of the state, and.

Whereas, this Legislature believes that such changes should be brought about as rapidly as is consistent with practical and successful methods of manufacturing and without radical change which would involve large outlays of money, now therefore, be it

Resolved by the Senate and the Assembly concurring that it should be the duty of the State Board of Control, at the earliest date practicable to set in operation the manufacture of such articles and wares as they have hitherto been obliged to purchase for the use of the penal and other institutions under their control, confining such operations practicallly to the funds and facilities at their disposal and having in view a gradual development of the system as rapidly as experience shall render such development practical and profitable.

[No. 21, S.]

JOINT RESOLUTION NO. 16.

Proposing an amendment to section 1, of article 10, of the constitution of the state of Wisconsin relating to education.

Resolved, by the senate, the assembly concurring, That section 1, of article 10, of the constitution of the state of Wisconsin be amended so as to read as follows:

Section 1. The supervision of public instruction shall be vested in a state superintendent and such other officers as the legislature shall direct; and their qualifications, powers, duties and compensation shall be prescribed by law. The state superintendent shall be chosen by the qualified electors of the state at the same time and in the same manner as members of the supreme court, and shall hold his office for four years from the succeeding first Monday in July. The state superintendent chosen at the general election in November, 1902, shall hold and continue in his office until the first Monday in July, 1905, and his successor shall be chosen at the time of the judicial election in April, 1905. The term of office, time and manner of electing or appointing all other officers of supervision of public instruction shall be fixed by law.

[No. 42, A.]

JOINT RESOLUTION NO. 17.

Resolved, by the Assembly, the Senate concurring, that the Congress of the United States be and hereby is requested to enact a law to prevent desecration of the American flag, to prevent its use for advertisement, to prevent placing upon it or attaching to it devices or inscriptions and to punish those who treat it with indignity or wanonly injure or destroy it;

That the Senators and Representatives of this state be and are requested to favor and assist in the passage of such law.

[No. 65, S.]

JOINT RESOLUTION NO. 18.

Whereas, this first day of May, 1899 is the first anniversary of the historical day when Admiral George Dewey entered Manila Bay and won the great naval victory over the Spanish fleet, so completely conquered and destroyed, and,

Whereas, Admiral Dewey by that great victory performed a deed that surpassed any naval victory in ancient or modern history, and demonstrated to the whole world the greatness and ability of the United States navy, proving what her officers and seamen can accomplish by heroic bravery and seamanship, and,

Whereas, Admiral Dewey has since the great victory at Manila carried to a successful end a second war in the Philippines and maintained the grand American position with honor, and avoided, by his firmness and statesmanship, all international differences, now therefore be it

Resolved, by the Senate, the Assembly concurring, That the people of the State of Wisconsin, do hereby extend to Admiral George Dewey our thanks and congratulations on this day so appropriately entitled "Dewey Day." Be it further

Resolved that these joint resolutions be spread upon the journals of the Senate and the Assembly of the State of Wisconsin, and be it

Resolved that our honorable Governor, Edward Scofield send to Admiral George Dewey at Manila a copy of these resolutions duly enrolled and attested by the Secretary of the State with the Great Seal of the State and tender our appreciation of their gallant achievements to Admiral George Dewey, his officers and men of the American fleet at Manila.

CERTIFICATE.

State of Wisconsin,
Department of State.

I, WM. H. FROEHLICH, secretary of state of the state of Wisconsin, do hereby certify that the foregoing copies of the laws, memorials and joint resolutions, passed by the legislature at the spring session of 1899 have been compared by me with the original enrolled acts, memorials and joint resolutions, deposited in this office, and that they appear correctly printed.

In testimony whereof, I have hereunto set my hand and affixed the lesser seal of the state, at the capitol, in the city of Madison, this 21st day of June, A. D. 1899.

[L. S.]

WM. H. FROEHLICH,
Secretary of State.

WISCONSIN CIRCUIT COURTS.

STATEMENT *showing the Names and Post-office Address of the Circuit Judges, and Times and Places for holding Circuit Courts in the several Counties in Wisconsin.*

Salary of Circuit Judges, $3,600 per annum, and $400 for expenses.

The judge of any circuit may, by an order entered and recorded in the clerk's office, appoint not to exceed two extra terms of court, to be held in any county in his circuit, when he shall deem it necessary during any one year, and may or may not, in his discretion cause jurors therefor to be drawn and summoned as for other terms. At such extra terms the same business may be transacted as at a regular term for such county. *Sec. 2424, W. S. 1898.*

Every term in any county in each circuit shall be a special term for the whole circuit, unless the court, by order filed in the clerk's office at least twelve days before any such term, shall otherwise order as to such county. *Sec. 2424, W. S. of 1898, as amended by Sec. 32, Ch. 351, L. 1899.*

FIRST CIRCUIT.

JUDGE—FRANK M. FISH, RACINE.

Term expires first Monday of January, 1902.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Walworth.....	3d Monday in February..... 1st Monday in June..... 1st Monday in October.....	Elkhorn.....	Sec. 2424, W. S. 1898
Racine	2d Monday in April..... 4th Monday in June ..... 2d Monday in November....	Racine	Sec. 2424, W. S. 1898.
Kenosha	3d Monday in March ..... 2d Monday in June..... 2d Monday in September....	Kenosha	Sec. 2424, W. S. 1898.

No jury shall be summoned for either of the terms to be held in the month of June. *Sec. 2424, W. S. of 1898.*

SECOND CIRCUIT.

JUDGE—D. H. JOHNSON, MILWAUKEE.

Term expires first Monday of January, 1906.

ADDITIONAL JUDGE—EUGENE S. ELLIOTT.

Term commences first Monday in January, 1900.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Milwaukee...	1st Monday in January..... 1st Monday in April..... 1st Monday in July..... 1st Monday in October.....	Milwaukee.....	Sec. 2424, W. S. 1898.

A jury shall be summoned for the first day of each of said terms unless it is otherwise ordered by the court. *Sec. 2424, W. S. of 1898.*

THIRD CIRCUIT.

JUDGE—GEO. W. BURNELL, OSHKOSH.

Term expires first Monday of January, 1903.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Calumet	3d Monday in March.... ... 1st Monday in October.....	Chilton	Sec. 2424, W. S. 1898.
Green Lake...	3d Monday in January..... 2d Monday in June.....	Dartford	Sec. 2424, W. S. 1898.
Winnebago *..	1st Monday in May..... 1st Monday in December....	Oshkosh	Sec. 2424, W. S. 1898.
	SPECIAL TERMS.		
Winnebago ...	1st Tuesday in February and September.....	Oshkosh	Sec. 2424, W. S. 1898.

*The court for said county shall be deemed to be open for the transaction of business from the commencement of one regular term to the commencement of another, and an adjournment of the term from day to day shall not be necessary to the validity of any proceeding therein. *Sec. 2424, W. S. of 1898.*

FOURTH CIRCUIT.

JUDGE — MICHAEL KIRWAN, MANITOWOC.

Term expires first Monday of January, 1905.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Sheboygan	2d Monday in April..... 3d Monday in September.....	Sheboygan ..	Sec. 2424. W. S. 1898.
Manitowoc....	Tuesday after 2d Monday in Jan.. Tuesday after 1st Monday in June	Manitowoc...	Sec. 2424, W. S. 1898.
Kewaunee	2d Monday in May..... 3d Monday in October.....	Kewaunee ...	Sec. 2424, W. S. 1898.
Fond du Lac..	Tuesday after 3d Monday in February ..... Tuesday after 1st Monday in March Tuesday after 1st Monday in July Tuesday after 2d Monday in November	Fond du Lac.	Sec. 2424, W. S. 1898.

No jury shall be summoned for the terms in February and July unless specially ordered by the judge. Such terms shall be a continuation of all terms therein which are not finally adjourned. * * * * * No term of such court shall be at an end until an express order for final adjournment is made and entered, and one term may be adjourned beyond the beginning of the next term in same county. *Sec. 2424, W. S. 1898.*

FIFTH CIRCUIT.

JUDGE — GEORGE CLEMENTSON, LANCASTER.

Term expires first Monday of January, 1901.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Grant	3d Tuesday in February..... 2d Tuesday in October.....	Lancaster.....	Sec. 2421, W. S. 1898.
Iowa	3d Monday in March..... 4th Tuesday in September..	Dodgeville.....	Sec. 2424, W. S. 1898.
Lafayette	2d Tuesday in June..... 1st Tuesday in December....	Darlington	Sec. 2424, W. S. 1898.
Richland.....	2d Tuesday in April..... 2d Tuesday in September....	Richland Center.	Sec. 2424, W. S. 1898.
Crawford	4th Tuesday in May..... 2d Tuesday in November....	Prairie du Chien	Sec. 2424, W. S. 1898.

SIXTH CIRCUIT.

JUDGE — ORVIS B. WYMAN, VIROQUA.

Term expires first Monday of January, 1901.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
La Crosse.....	2d Tuesday in January..... 1st Tuesday in May..... 2d Tuesday in September....	La Crosse	Sec. 2424, W. S. 1898.
Monroe.....	3d Tuesday in March..... 1st Tuesday in October.....	Sparta	Sec. 2424, W. S. 1898.
Trempealeau .	1st Tuesday in March..... 3d Tuesday in October.....	Whitehall.....	Sec. 2424, W. S. 1898.
Vernon	2d Tuesday in June..... 2d Tuesday in December....	Viroqua..... ..	Sec. 2424, W. S. 1898.
Juneau.....	2d Tuesday in April ..... 3d Tuesday in November....	Mauston.....	Sec. 2424, W. S. 1898.

SEVENTH CIRCUIT.

JUDGE—CHARLES M. WEBB, GRAND RAPIDS.

Term expires first Monday of January, 1903.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Adams	2d Tuesday in June..... 3d Tuesday in December....	Friendship.....	Sec. 2424, W. S. 1898.
Portage	4th Monday in March..... 3d Monday in November.....	Stevens Point....	Sec. 2424, W. S. 1898.
Waupaca	1st Monday in March..... 4th Monday in October.....	Waupaca	Sec. 2424, W. S. 1898
Waushara	Last Tuesday in April..... 3d Tuesday in September ...	Wautoma	Sec. 2224, W. S. 1898.
Wood	2d Monday in May..... 1st Monday in October.....	Grand Rapids....	Sec. 2424, W. S. 1898.

EIGHTH CIRCUIT.

JUDGE—EUGENE W. HELMS, HUDSON.

Term expires first Monday of January, 1903.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Buffalo.....	4th Monday in February.... 4th Monday in October.....	Alma	Sec. 2424, W. S. 1898.
Dunn.....	2d Monday in March..... 2d Monday in September....	Menomonie	Sec. 2424, W. S. 1898.
Pepin	3d Monday in April..... 3d Monday in October.....	Durand	Sec. 2424, W. S. 1898.
Pierce.....	2d Monday in May..... 3d Monday in November....	Ellsworth.....	Sec. 1, ch. 10, L. of 1899
St. Croix	4th Monday in March..... 4th Monday in September...	Hudson	Sec. 2424, W. S. 1898.

The judge of said circuit may appoint, by order to be filed in the office of the clerk of the circuit court for each county therein, four special terms in each year at such times and places as he shall deem necessary and proper. Said order shall be filed at least four weeks before the time therein appointed for holding any such term, and the time of holding the same may be changed in like manner. At terms so appointed and held any and all business except the trial of issues of fact by a jury may be transacted. *Sec. 2424, W. S. of 1898.*

NINTH CIRCUIT.

JUDGE — ROBERT G. SIEBECKER, MADISON.

Term expires first Monday of January, 1903.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Columbia	2d Tuesday in May ..... 1st Tuesday in December.....	Portage	Sec. 2424, W. S. 1898.
Dane*.....	2d Monday in January..... Monday after first Tuesday in April 4th Monday in June..... 3d Monday in September.....	Madison	Sec. 2424, W. S. 1898.
Marquette	1st Tuesday in June.. ..... Tuesday after 3d Monday in November	Montello	Sec. 2424, W. S. 1898.
Sauk	2d Tuesday in March..... 3d Tuesday in October....	Baraboo	Sec. 2424, W. S. 1898.

*But no jury shall be summoned for the term in June. *Sec. 2424, W. S. 1898.*

TENTH CIRCUIT.

JUDGE — JOHN GOODLAND, APPLETON.

Term expires first Monday of January, 1904.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Florence	1st Tuesday in March ..... 3d Tuesday in September...	Florence	Sec. 2424, W. S. 1898.
Forest.....	2d Tuesday in March..... 4th Tuesday in September..	Crandon	Sec. 2424, W. S. 1898.
Langlade	3d Monday in March..... 1st Monday in October.... .	Antigo	Sec. 2424, W. S. 1898.
Outagamie*...	1st Tuesday in February.... 3d Monday in April..... 2d Monday in November....	Appleton....	Sec. 2424, W. S. 1898.
Shawano.....	3d Monday in May..... 1st Monday in December....	Shawano.....	Sec. 2424, W. S. 1898.

*No jury shall be summoned for the February term in said county. *Sec. 2424, W. S. 1898.*

ELEVENTH CIRCUIT.

JUDGE—AAD. J. VINJE, SUPERIOR.

Term expires first Monday of January, 1901.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Barron	2d Tuesday in April..... 4th Tuesday in September..	Barron	Sec. 2424, W. S. 1898.
Burnett	1st Tuesday in March..... 3d Tuesday in September....	Grantsburg	Sec. 2424, W. S. 1898.
Chippewa.....	1st Tuesday in May..... 2d Tuesday in October.....	Chippewa Falls.	Sec. 2424, W. S. 1898.
Douglas	1st Tuesday in February.... 1st Tuesday in June..... 2d Tuesday in November....	Superior.....	Sec. 2424, W. S. 1898.
Polk	2d Tuesday in March..... 1st Tuesday in September...	Balsam Lake....	Sec. 2424, W. S. 1898.
Washburn	4th Tuesday in March..... 4th Tuesday in August	Shell Lake.....	Sec. 2424, W. S. 1898.

TWELFTH CIRCUIT.

JUDGE—BENJAMIN DUNWIDDIE, JANESVILLE.

Appointed to fill vacancy expiring first Monday of January, 1901.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Rock	4th Monday in January..... 4th Monday in April..... Wednesday next after the first Monday in November	Janesville.....	Sec. 2424, W. S. 1898.
Green	1st Tuesday in March..... 3d Tuesday in June..... 2d Tuesday in October.....	Monroe	Sec. 2424, W. S. 1898.
Jefferson.....	1st Monday in February..... 2d Tuesday in June..... 3d Monday in September....	Jefferson	Sec. 2424, W. S. 1898.

No jury shall be summoned for either of the terms to be held in the months of January and June. *Sec. 2424, W. S. of 1898.*

THIRTEENTH CIRCUIT.

JUDGE — JAMES J. DICK, BEAVER DAM.

Term expires first Monday of January, 1906.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Dodge.....	4th Tuesday in September... 2d Tuesday in February.....	Juneau.....	Sec. 2424, W. S. 1898
Ozaukee	1st Tuesday in September... 1st Tuesday in March.....	Port Washington	Sec. 2424, W. S. 1898
Washington ..	3d Tuesday in October..... 3d Tuesday in March.....	West Bend.....	Sec. 2424, W S 1898
Waukesha *...	1st Tuesday in December .. 1st Monday in May..... 4th Tuesday in August (special)..... 1st Tuesday in February (special).....	Waukesha	Sec. 2424, W. S 1898

*No jury shall be summoned for the special terms. *Sec. 2424, W. S. 1898.*

At any general or special term any and all business may be done arising or pending in any county in said circuit which might be done at a general term in the several counties except the trial of issues of fact by a jury.

FOURTEENTH CIRCUIT.

JUDGE — SAMUEL D. HASTINGS, JR., GREEN BAY.

Term expires first Monday of January, 1902.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Brown.....	Last Monday in November.. 1st Monday in March..... 1st Monday in June.....	Green Bay.... ...	Sec. 2424, W. S. 1898
Door	1st Tuesday in February.... Tuesday after 1st Monday in September	Sturgeon Bay....	Sec. 2424, W. S. 1898
Marinette.....	2d Monday in January..... 1st Monday in May ..... 1st Monday in October.....	Marinette	Sec. 2424, W. S. 1898
Oconto	2d Monday in April..... 2d Monday in November....	Oconto.....	Sec. 2424, W. S 1898

Said court for the county of Brown shall be deemed to be open for the transaction of business from the commencement of one regular term to the commencement of another, and an adjournment of the term from day to day shall not be necessary to the validity of any proceeding therein. * * * * * The jurors for each term in the counties of Brown, Oconto and Marinette shall be summoned to appear at or before 9 o'clock A. M. on the second day thereof. *Sec. 2424, W. S. 1898.*

FIFTEENTH CIRCUIT.

JUDGE — J. K. PARISH, ASHLAND.

Term expires first Monday of January, 1906.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Ashland.....	1st Monday in January..... 4th Monday in April..... 1st Monday in September...	Ashland.....	Sec. 2424, W. S. 1898.
Bayfield.....	1st Monday in June..... 3d Monday in October.....	Washburn	Sec. 2424, W. S. 1898.
Iron	3d Monday in June..... 2d Monday in November....	Hurley	Sec. 2424, W. S. 1898.
Price.....	3d Monday in May..... 4th Monday in November...	Phillips	Sec. 2424, W. S. 1898.
Sawyer.....	3d Monday in April..... 1st Monday in December....	Hayward	Sec. 2424, W. S. 1898.
Taylor	Wednesday after the first Tuesday in April..... 1st Monday in October.....	Medford	Sec 2424, W. S. 1898.

No jury shall be summoned for any such term if the presiding judge of the circuit shall le an order with the clerk of the court for any county therein, at least fifteen days be- ore any general term in such county, directing that no jury shall be summoned; such rder may be made whenever it shall appear that there is no necessity for a jury. Said udge may adjourn any general or special term of such court to the next ensuing gen- ral term or beyond the time fixed for holding general terms thereof in any county in he circuit.

SIXTEENTH CIRCUIT.

JUDGE — W. C. SILVERTHORN, WAUSAU.

Term expires first Monday of January, 1904.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Lincoln	4th Monday in February.... 3d Monday in September....	Merrill.....	Sec. 2424, W. S. 1898.
Marathon.....	1st Monday in May..... 2d Monday in November....	Wausau.....	Sec. 2424, W. S. 1898.
Oneida.....	Monday after 1st Tuesday of April..... 2d Monday in October.....	Rhinelander	Sec. 2424, W. S. 1898.
Vilas	1st Monday in February..... 1st Monday in September...	Eagle River.....	Sec 2424, W. S 1898.

SEVENTEENTH CIRCUIT.

JUDGE — JAMES O'NEILL, NEILLSVILLE.

Term expires first Monday of January, 1904.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Clark.....	3d Monday in April..... 3d Monday in October.....	Neillsville.....	Sec. 1, ch. 62, laws 1899.
Eau Claire*...	3d Monday in March..... 3d Monday in September....	Eau Claire.....	Sec. 1, ch. 62, laws 1899.
Jackson.....	1st Monday in March..... 1st Monday in September...	Black River Falls.	Sec. 1, ch. 62, laws 1899.

*There shall also be held in the county of Eau Claire, on the second Monday in June, special term for said circuit, but no jury shall be drawn for such term. *Sec. 1, ch. laws of 1899.*

CIRCUIT COURT REPORTERS.

No. of district.	Name.	P. O. address
1	Charles H. Welch.....	Milwaukee.
2	Richard Burke.....	Milwaukee.
3	William C. Kimball.....	Oshkosh.
4	H. A. Bush.....	Fond du Lac.
5	Charles Orton.....	Lancaster.
6	Alfred Harrison.....	La Crosse
7	F. W. Spencer.....	Waupaca.
8	Charles A. Cross.....	Hudson.
9	F. C. Grant.....	Janesville.
10	F. S. Bradford.....	Appleton.
11	T. H. Wolford.....	Superior.
12	F. C. Grant.....	Janesville.
13	J. H. Sawyer.....	Beaver Dam
14	James T. Parkes.....	Green Bay.
15	Joseph Cover.....	Ashland.
16	George Hart.....	Wausau.
17	Charles W. Fiske.....	Eau Claire.

ISCONSIN STATUTES OF 1898 AMENDED BY LAWS OF 1899.

Wisconsin Statutes of 1898.			Laws of 1899.	
Sections amended.	Sections repealed.	Sections created.	Section.	Chapter.
.....	11*a* to 11*i*	.....	12	341
16	.....	.....	1	351
21	.....	.....	1	96
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